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Pursuant to Law, the first Constitutional Convention of Washington Territory met at Science Hall, in the City of Walla Walla, at 12 oclock M. Tuesday June 11th 1878 and was called to order by Hon W. A. George of Walla Walla.

Mr Larrabee moved than Alonzo Leland of Lewiston be chosen temporary President; Mr Leland declined and on motion of Mr Gilmore Hon A. S. Abernethy of Cowlitz County was elected temporary President, whereupon Mr Abernethy took the chair and thanked the Convention for the honor conferred upon him.

On motion of Mr Bradshaw W. Byron Daniels of Vancouver was elected temporary Secretary.

On motion of Mr Bradshaw John Bryant of Walla Walla was elected temporary Sargent at Arms.

On motion of Mr Lacy the President appointed a Committee of three on Credentials as follows; Messrs O. P. Lacy, G. H. Steward and C. M. Bradshaw.

On motion of Mr Steward the convention adjourned until 10 oclock A. M. tomorrow.

Second Day
June 12th 1878

The convention met pursuant to adjournment Mr President in the chair
Journal of yesterday read and approved.
Mr Lacy from committee on Credentials submitted the following report,

Mr President,
Your committee on credentials beg leave to report that they have performed the duty assigned them and find the following persons duly elected to seats in this convention

For Delegates at Large

Wyatt A. George of Walla Walla County
Edward Eldridge of Whatcom County
Samuel M. Gilmore of Klickatat County

Judicial Districts
1st Sylvester M. Wait of Columbia County
2nd Benjamin F. Dennison of Thurston County
3rd Charles W. Larrabee of Island County

Districts for the Counties of Jefferson, Island, San Juan, and Clalam
Charles M. Bradshaw
of Jefferson County

District composed of Kitsap, Snohomish and Whatcom
Henry B. Emery
of Kitsap County

For the County of King
Lyman B. Andrews
of King County

For the Counties of Pierce Chehalis and Mason
Dolph B. Hannah of Pierce County

For the Counties of Thurston and Lewis
Francis Henry of Thurston County

For the Counties of Cowlitz, Pacific and Wahkiakum
Alexander S. Abernethy of Cowlitz County

For the Counties of Clarke, Skamania Klickitat and Yakima
George H. Steward of Clarke County

For the County of Walla Walla
Oliver P. Lacy of Walla Walla County

For the Counties of Columbia, Whitman, and Stevens
James V. Odell of Whitman County

Your committee find that Alonzo Leland of Nez Perce County is the duly accredited delegate from the Counties of Nez Perce, Shoshone and Idaho Idaho Territory,

All of which is Respectfully submitted

O. P. Lacy
G. H. Steward
Charles M. Bradshaw

On motion of Mr Odell the report of the committee on credentials was adopted.

On motion of Mr Gilmore

P. B. Johnson Esq. Notary Public was invited inside the bar and proceeded to administer the Oath of Office to the members of the Convention

Mr Steward offered the following resolution

Resolved., That a majority of the whole number of members elected shall be necessary to the choice of Officers of this convention.

Resolved., That the Convention elect as officers. One president, one secretary, one assistant secretary, one sergent at Arms and two messengers.

adopted.

On motion of Mr Bradshaw the Convention proceeded to the election of Officers

Viva Voce

Mr Henry delegate from Thurston County coming in at this time and not having been previously sworn in. B. B. Johnson Esq. Notary Public was invited within the bar who administered the Oath of Office to Mr Henry.

The convention proceeded to the Election of a President with the following results

A. S. Abernethy of Cowlitz County 14 votes
Edward Eldridge of Whatcom County 1 vote

Mr Abernethy having received a majority of all the votes cast, was declared elected

W. Byron Daniels of Clarke County and Charles Frush of Walla Walla County were nominated for Secretary

The convention proceeded to vote with the following result

W. Byron Daniels 10 votes
Charles Frush 5 votes

Mr Daniels having received a majority of all the votes cast, was declared duly elected.

Mr Lacy nominated W. S. Clark of Walla Walla for assistant Secretary the convention proceeded to vote, Mr Clark received fifteen votes and was declared elected.

Nominations for Sargent at Arms being in order Mr Odell nominated H. D. Cock of Walla Walla. Mr George nominated John Bryant of Walla Walla, Mr Henry nominated Dr G. G. Turner of Thurston County. The convention proceeded to vote with the following result

Mr Cock 8 votes
Mr Bryant 4 votes
Dr Turner 3 votes

Mr Cock having received a majority of all the votes cast was declared elected.

For first messenger Mr Lacy nominated John W. Norris of Walla Walla, and Mr Henry nominated John Bryant of Walla Walla. The convention proceeded to vote with the following result,

Mr Bryant 11 votes
Mr Norris 4 "

Mr Bryant having received a majority of all the votes cast was declared elected

For second messenger Mr George nominated John W. Norris of Walla Walla and Mr Bradshaw nominated Dr G. G. Turner of Thurston County.
The convention proceeded to vote with the following result

Mr Norris 10 votes
Dr Turner 5 "

Mr Norris having received a majority of all the votes cast was declared duly elected.

On motion of Mr Henry P. B. Johnson Esq. Notary Public was again invited within the bar and administered the Oath of Office to all the Officers of the Convention

Mr Larrabee submitted the following resolution:

Resolved; 1st That all printing for or by order of this convention shall be done under the direction of a committee of three members to be called the committee on Printing.
2nd That before any such printing be executed the said committee shall issue written proposals for the same and submit them to the several printers in the City of Walla Walla, requesting them to submit to them the terms upon which they will execute the printing accompanying their offers with satisfactory security that the printing shall be performed according to the proposals submitted
3rd That upon the receipt of such terms the printing shall be let to the lowest bidder.

Mr Bradshaw moved to amend the resolution by adding to the end of the last resolution the words
"Unless otherwise ordered by the Convention" amendment accepted, and resolution adopted as amended.

On motion of Mr. Gilmore the representatives of the press were invited within the bar.

On motion of Mr Odell a committee of three was appointed on Rules and Orders with instructions to report tomorrow morning, The Chair appointed Messrs Odell, Larrabee and Steward as such committee,

Mr Lacy submitted the following resolution;

Resolved; That a committee of three be appointed on Contingent Expenses of this convention

adopted,

The Chair appointed as such Committee Messrs Lacy, Hannah and Wait,

On motion of Mr Larrabee the President appointed a committee on Printing as follows: Messrs Leland Henry and Eldridge.

Mr Henry submitted the following resolution

Resolved; That the committee on Printing be instructed to ascertain and report the terms upon which the several News Papers of Walla Walla City will publish a Synopsis of the proceedings of this convention as reported by an official reporter and furnish each member with Ten, Twenty or Fifty copies of their papers

Adopted.

Mr Emery submitted ~~submitted~~ the following resolutions

Resolved; That the standing time for the daily meeting of this convention shall be 9 oclock A. M.

Mr Andrews moved to amend by striking out 9 oclock and inserting 10 oclock.

Mr Lacy moved to amend the amendment by inserting 1 Oclock P. M.

Mr Lacy moved to refer the resolution to the committee on Rules and Orders. lost. Amendment to the amendment withdrawn. Amendment lost, and original resolution adopted.

On motion of Mr Steward the convention adjourned.

Third Day
June 13th 1878

The Convention met pursuant to adjournment, Mr President in the Chair, Roll called, the following members answered to their names.

Messrs Andrews. Bradshaw, Dennison, Eldridge, Emery, Gilmore, Henry, Hannah, Larabee, Lacy, Leland, O'Dell, Steward, Wait and Mr President 15.

Absent. Mr George — 1.
Journal of yesterday Read and approved

Mr O'Dell from the committee on Rules and Orders submitted the following report:

Over

Report of the Committee on Rules

Your committee to whom has been referred the duty of framing Rules: have the honor to report as follows.

Rules.

1st; The President shall take the Chair at the hour to which the Convention shall have adjourned, shall immediately call the members to order, and order the roll to be called, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read and corrected.

2nd; The President shall preserve order and decorum, and decide questions of order subject to an appeal to the Convention, He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment. He shall also appoint all Committees, unless otherwise directed by the Convention,

3rd; The President shall be required to vote on all questions, and on calling the Ayes and Noes, his name shall be called last, as Mr. President.

4th; After the Journal has been read and corrected, the Order of business shall be as follows, viz:

1st The presentation of petitions.
2. Reports of Committees.
3. The presentation and consideration of resolutions. Provided, That one hour only shall be occupied in the foregoing three orders of business, and provided further. That every motion or resolution

shall be reduced to writing if requested by the President or by any member.

4. Unfinished business; and the business which has most progressed shall be first taken up, and of that portion of business which is in the same stage of Progress, that which was first introduced shall be first taken up; and it shall be the duty of the President, to put all questions arising in regular order, without any special motion therefor.

5th; Fifty copies of all reports Petitions and resolutions ordered to be printed, shall be printed for the use of the Convention, without further order,

6th; No member shall speak more than twice on the same question, nor more than thirty minutes each time without leave, nor more than once, until every other member rising to speak shall have spoken; and he shall confine himself to the question under debate, and avoid personalities.

7th; Whenever any member is called to order, he shall sit down until it is determined whether he is in order or not; and after such determination he shall be permitted to proceed in order.

8th; When a question is under debate, no motion shall be received unless to adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit; to amend; or to postpone indefinitely;—
[illegible] have precedence

in the ...
a motion to postpone to a day certain, or
to amend, or to postpone indefinitely
being decided, shall not be again
allowed on the same day, and at the
same stage of the proposition.

9th; A motion to adjourn shall always be in order, and that, and a motion to lay on the table, and all motions in relation to the priority of business, shall be decided without debate.

10th; The previous question shall be in this form; " Shall the main question be now put ". It shall only be admitted when demanded by three of the members present; and its effects shall be to put an end to all debate, and bring the Convention to a direct vote on the amendments reported by a committee, if any, upon pending amendments, and thereupon the main question, on a motion for the previous question and prior to seconding the same a call of the Convention shall be in order, but after a majority have seconded such motion, no call shall be in order prior to a decision of the main question, on a previous question there shall be no debate. all incidental questions of order, after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise with out debate.

(Eleventh Rule omitted by mistake—See margin)

12th; Any member may call for the division of the question when the same will admit of it. A motion to strike out and insert shall be deemed to be divisible. A motion to strike out being lost, shall not preclude an amendment, nor a motion to strike out and insert.

11. When a motion or question has once been put and decided in the affirmative or negative, it shall be in order for any member who voted in the majority, or when the Convention is equally divided, for a member who voted in the negative, to move for a reconsideration thereof on the same or the next succeeding day; and when the motion to reconsider is not made on the same or next succeeding day, at least two days notice of intention to make such motion shall be given.

13th; The ayes and noes may be called upon any question at the request of any member of the Convention; and when the final vote shall be taken upon each distinctive article in the constitution it shall be by the ayes and noes.

14th; Two members may make a call of the convention and require absent members to be sent for; but a call of the Convention can not be made after the voting has commenced; and the call of the convention being ordered, and the absentees being noted, the doors shall be closed, and no member be permitted to leave the room until the report of the Sergeant at Arms be received and acted upon, or further proceedings in the call be suspended

15th; A member may call for a division of the Convention upon any question, either before or after a decision by the President.

16th; The rules of parliamentary practice comprised in Jefferson's manual shall govern the convention in all cases to which they are applicable and in which they are not inconsistent with these rules and the order of the convention

17th; Every article which may be proposed by any member or reported by any committee shall be considered in Committee of the whole; and the Rules observed in Convention shall govern as far as practicable, the proceedings in committee of the whole, except that a member may speak oftener than twice on the same subject, and that a call

for the yeas and nays or for the previous question, can not be made. Amendments made in the committee of the whole shall be entered on a seperate piece of paper, and so reported to the Convention by the Chairman, standing in his place, which amendments shall not be read by the President, unless required by one or more members.

18th; Every article which it is proposed shall form a part of the Constitution shall be read the first and second times, and be referred to the committee of the whole; and after it shall have been considered in committee of the whole, and after the amendments reported by the committee of the whole shall have been acted on, it shall be open to amendment in convention: and when there are no further amendments to be proposed, the question shall be on ordering the article to be engrossed for its third reading; and after the same shall have been engrossed, it shall not be amended except by the unanimous consent of the convention. After the article has been read a third time and passed, it shall be refered to the committee on revision and arrangement, who shall report to the convention all such verbal amendments as they shall deem expedient, not changing the substance of such article, Provided however, this rule shall not be so construed as to prevent a majority of the convention from taking up the report of said committee, and making alterations or amendments therein.

19th; No standing Rules or orders of the Convention shall be changed or rescinded without one days previous notice being given of the motion therefor nor shall they be altered, changed, rescinded or suspended, unless upon the vote of two thirds of the members present.

All of which is respectfully submitted.

James V. O'Dell Chairman

Chas. H. Larrabee }
G. H. Steward }
Committee

On motion of Mr Gilmore the report was received.

On motion of Mr Bradshaw the report was laid on the table and ordered printed.

Mr Larrabee submitted the following resolution

Resolved; That a committee of Five be appointed by the President to report as to the best mode of proceeding by the convention in framing a Constitution.

The resolution was adopted and the President appointed as such committee Messrs Larrabee, Steward, O'Dell, Bradshaw and Wait.

Mr Wait requested Eight days leave of absence from the Convention. On motion of Mr Andrews the request was granted.

On motion of Mr Eldridge the Rules and Orders of the last House of Representatives of Washington

Territory, so far as they may be applicable, were adopted for the temporary government of the Convention

Mr O'Dell submitted the following resolution.

Resolved; That a committee of Three members be appointed by the President to take into consideration and fix the amount of pay for the Officers of this Convention

Mr Larrabee moved to amend the resolution by adding the words— "And report to the Convention" Amendment accepted.

On motion of Mr Steward the resolution was adopted. The President appointed as such committee Messrs O'Dell Steward and Andrews.

On motion of Mr Bradshaw the Convention took a recess until Two O'Clock P. M.

Afternoon Session

The roll was called when the following members answered to their names. Messrs Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, Henry, Hannah Larrabee, Leland, O'Dell, Steward, Mr President. 13. absent. Messrs George, Lacy, and Wait, 3

Mr Leland from the committee on Printing submitted the following report.

Over

Mr President.

Your committee on Printing to whom was referred two resolutions. One inviting Bids from the different Publishers in Walla Walla to do the incidental printing of this convention, and the other instructing your committee to ascertain upon what terms the several News papers of Walla Walla will publish a synopsis of the proceedings of this convention in their respective Journals, and furnish to each of the members of this convention 10, 25, or Fifty copies of each issue. Beg leave to report that they have presented to each of the Publishers in this City written specifications for the incidental printing, and solicited of each of them proposals to print the proceedings of the convention and furnish copies of each issue of their respective papers to the members as before stated.

They have received written proposals from two of the publishers only, Which proposals we have attached and made a part of this report. your committee further report that the Publisher of the Statesman verbally informs your committee that a synopsis of the proceedings will be published as described, and copies furnished to each member as desired for Five cents per copy without further charge

Your committee would simply suggest that the proposals received are but reasonable and intitled to the favorable consideration of this convention.

All of which is respectfully submitted

Alonzo Leland Ch'n

Office of the Statesman

Walla Walla W.T. June 13th 1878

Gentlemen:

In connection with the enclosed, I would suggest that experince has demonstrated that "Small pica" is most suitable for the work you speak of in your communication all the incidental of Congress, and also, of most legislative bodies, is printed in that kind of type

Our terms for this character of work will be the same as mentioned in the enclosed proposal,

Yours etc.
Chas Newell
PC

Office of the Statesman.

Walla Walla W.T. June 13th 1878

Gentlemen

In answer to your communication of the 12th, inviting bids for printing such incidental work as may be required by the Convention, I would say that the "Statesman" Office is prepared to do said work at the rate of One Dollar and Fifteen cents per Thousand Ems including paper, press-work and stitching.

Yours etc.
Chas. Newell,
for Proprietor

Walla Walla June 13th 1878

Hon. Com. on Printing.
Sirs; The undersigned respectfully submit the following bid for incidental printing of the Constitutional Convention according to specifications at the rate of One Dollar per M. including presswork and Stitching. We will also publish synopsis of proceedings and furnish copies of the Union at the rate of Five cents per copy

Very respectfully
R. M. Smith & Co.

On motion of Mr O'Dell the report was received.

On motion of Mr Eldridge the report was taken up for consid-eration by the Convention.

Mr Larrabee submitted the following resolution;

Resolved; That the bid of the Publishers of the Walla Walla Union for the incidental printing be and the same is hereby accepted and they are hereby declared to be printers to the convention.

Resolved; That 25 copies each of the Union & Statesman and Lewiston Teller per week for each member be and are hereby subscribed for.

adopted —

On motion of Mr Larrabee the vote by which the last resolutions were adopted was reconsidered.

On motion of Mr Larrabee the first resolution was adopted.

On motion of Mr O'Dell the second resolution was laid upon the table.

On motion of Mr Hannah the report of the Committee on Rules was taken from the table and read.

On motion of Mr Henry the Rules as reported by the committee were adopted

Mr Steward moved to adjourn. The ayes and noes being demanded the roll was called with the following result, ayes - Messrs Andrews, Bradshaw, George, Larrabee, O'Dell and Steward. 6

Noes - Messrs. Dennison, Eldridge, Emery, Gilmore, Henry, Hannah Lacy and Mr President - 8

absent Mr Wait - 1
So the motion was lost.

Mr Lacy moved that the committee on Printing be instructed to have copies of the two roll calls printed. A division of the question being called for, action was first taken upon the motion to print copies of the morning Roll Call. The ayes and noes were called for, and taken with the following result, ayes - Messrs Andrews, Bradshaw Dennison, Eldridge, Emery, Gilmore,

George, Henry, Hannah, Lacy, O'Dell, Steward, and Mr President 13

Noes – Mr Larrabee – 1
Absent – Mr Wait – 1
So the motion prevailed,

The motion for instructions to print copies of the Roll Call for Ayes and Noes was next submitted to vote of the conventions and carried

On motion of Mr Henry fifty copies of the Rules and Orders were ordered printed.

On motion of Mr Eldridge the vote by which the Rules and Orders were adopted, was reconsidered

Mr George moved that the first rule be amended by inserting after the word "order" in the 4th line the words "and order the roll to be called" – carried –

On motion of Mr Eldridge the Rules and orders were adopted as a whole.

On motion of Mr Gilmore the convention adjourned.

Fourth Day
June 14th 1878

The convention met pursuant to adjournment, Mr President in the chair. Roll called showing fifteen delegates present.

Journal of yesterday read and approved.

Mr O'Dell from the committee on Salary of Officers, submitted the following report.

Report of Committee on pay of Officers

Mr President.

Your committee to whom was referred the subject of pay of Officers of this convention, having duly considered the same, beg leave to report as follows: We recommend that the chief Clerk be paid the sum of Six Dollars per day, that the Assistant Clerk be allowed the sum of Five Dollars per day. The Sergeant at Arms be allowed the sum of Five Dollars per day, the Pages allowed the sum of Three Dollars per day each.

All of which is respectfully submitted.

James V. O'Dell
G. H. Steward
L. B. Andrews
Committee

Walla Walla
June 14th 1878.

Mr George moved that the report be adopted and the committee discharged.

Mr Larrabee moved as an amendment that the Salary of the chief clerk be fixed at ($5.) five dollars per day.

Mr Steward moved as an amend-
-ment to the amendment that the
Salary of the Chief Clerk be fixed
at Seven ($7) dollars per day.
pending which Mr. Eldridge
moved to lay the report of the com-
-mittee on the table subject to the
order of the Convention. The ayes
and Noes were demanded on this
motion and taken with the following
result;
Ayes. — Messrs Eldridge, Gilmore
and George. 3
Noes. — Messrs Andrews, Bradshaw,
Dennison, Emery, Henry, Hannah,
Larrabee, Lacy, O'Dell, Steward, and
Mr President — 11
So the motion was lost.

The question being on the amendment
offered by Mr Steward, the ayes and
Noes were demanded and taken with
the following result;

Ayes. — Mr Steward — 1
Noes. — Messrs; Andrews, Bradshaw,
Dennison, Eldridge, Emery, Gilmore,
George, Henry, Hannah, Larrabee,
Lacy, O'Dell and Mr President — 13
So the motion was lost.

The question recurring on the amend-
-ment offered by Mr Larrabee the
ayes and Noes were demanded
and taken with the following result;

Ayes. — Messrs Bradshaw, George,
Hannah, Larrabee, Lacy, and O'Dell, 6
Noes. — Messrs Andrews, Dennison,
Eldridge, Emery, Gilmore, Henry,
Steward, and Mr President — 8
So the motion was lost.

The question being - Shall that part of the Committee's Report fixing the Salary of the Chief Clerk at Six ($6.) dollars per day be adopted, the ayes and noes were demanded and taken with the following result.
Ayes; Messrs Andrews, Dennison, Eldridge, Emery, Gilmore, Henry, Steward and Mr President - 8
Noes; - Messrs Bradshaw, George, Hannah, Larrabee, Lacy and O'Dell, - 6 -
So that part of the Committee's Report fixing the Salary of the Chief Clerk was adopted.

Mr Larrabee moved that the Salary of the Assistant Clerk be fixed at four ($4.) dollars per day, the ayes and noes were called for and taken with the following result;

Ayes; - Messrs Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Hannah, Larrabee, Lacy, O'Dell, Steward, and Mr President, - 13
Noes, - Mr Henry - 1.
So the motion was carried -

The question being - Shall that part of the Committee's Report fixing the Salary of the Sergeant at Arms at Five ($5.) dollars per day be adopted, the same was put to vote and carried.

The question being - Shall that part of the Committee's Report fixing the Salary of the Pages at Three ($3.) dollars per day each be adopted, the same was put to vote and carried.

On motion of Mr O'Dell, the Committee took a recess until two O'Clock P.M.

Afternoon Session

At Roll call fifteen members answered to their names.

Mr Steward offered the following resolution.

Resolved; That John W. Corcoran be and he is hereby appointed Official Reporter of this convention, and his per diem shall be Ten Dollars per day.

Mr Larrabee moved that the resolution be referred to a Special Committee of three to confer with Mr Corcoran relative to the expense of his work and report to the Convention tomorrow morning - carried.

The Chair appointed as such committee Messrs Steward, Dennison, and Andrews.

Mr Larrabee from the Committee on Mode of proceeding to frame a State Constitution, submitted the following Report.

Report of the Committee upon the best mode of proceeding in framing a constitution.

Your Committee to whom was referred the resolution upon the order of proceeding in framing a Constitution would respectfully report the following Classification of subjects, viz;

Preamble.
Art 1 Boundaries
" 2 Declaration of Rights
" 3 Distribution of Powers

Art. 4. Legislative.
" 5. Executive
" 6. Administrative,
" 7. Judiciary,
" 8. Finance,
" 9. Eminent domain and property of the State.
" 10. Suffrage and Elections,
" 11. Offices
" 12. State Institutions,
" 13. Education
" 14. Corporations
" 15. The Rights of married Women and Exemptions from forced Sale.
" 16. Amendments,
" 17. Miscellaneous,
Schedule,
Resolutions,

Your committee would further recommend the reference of the several subjects to committees of five each.

To Committee No 1.
Legislative,
Judiciary,
Corporations,
Schedule,
Miscellaneous.
Resolutions,

To Committee No 2,
Executive
administrative
Finance
State Institutions
Rights of married women & Exemptions
Eminent domain & Property of the State,

To Committee No 3.
Education
Preamble
Boundaries.
Declaration of Rights.
Dist[illegible]

Suffrage and Elections.
Amendments,
all of which is respectfully submitted.

Chas. H. Larrabee. Chm

Geo. H. Steward
Jas. V. O'Dell
C. M. Bradshaw

On motion of Mr Henry the report was adopted.

At the request of the absent member Mr Wait, Mr Steward submitted the following Resolution.

Resolved; That the ministers of the Gospel, of the City of Walla Walla be respectfully invited to meet with the Convention and open the proceedings each morning with Prayer.

On motion of Mr Steward the resolution was adopted.

On motion of Mr Steward the Convention adjourned.

Fifth Day

Saturday June 15th 1878

The convention met at 9 oclock A.M.
Mr President in the Chair.

Roll called and absentees noted as follows: Mr Leland

Prayer by Rev. A. W. Sweeney.

Journal of yesterday read and approved.

Mr Steward from the special committee appointed to confer with the Short hand Reporter submitted the following report.

Mr President

Your committee to whom was referred the resolution concerning the Election of an Official Reporter for the convention, respectfully report that they have conferred with John W. Cochran, the person named in the said Resolution. and have received from him the attached proposition to report the proceedings and debates of this Convention in short hand and transcribe the same ready for publication.

Your committee would therefor recommend that the said proposition be accepted.

Respectfully submitted

(Signed) J. H. Steward Chm
B. F. Dennison
L. B. Andrews

Mr Cochrans Proposal

I propose to enter upon this work of reporting the Convention in Short hand and transcribing the same ready for publication for Ten dollars per day

and 20 cents per 100 words, the whole cost of Reporting and transcription not to exceed One Thousand Dollars

(Signed) John W. Cochran

Mr Gilmore moved that the report be adopted

Mr Bradshaw moved that the Report be referred to the Committee with instructions to report this afternoon

Mr Larrabee moved to amend by saying "with instructions to report Monday morning at 9 oclock A.M." The amendment was accepted and the motion carried as amended.

Pursuant to the Report of the Committee upon the best mode of proceeding in framing a Constitution, the President announced the following Standing Committees:

Committee No 1.

On Legislative Judiciary Corporations Schedule Miscellaneous Resolutions	Dennison Larrabee Bradshaw Gilmore O'Dell

Committee No 2.

on Executive. administrative. Finance. State Institutions. Rights of married women and Exemptions. Eminent domain and Property of the State.	George Steward Andrews Hannah Emery

Committee No 3

Education Preamble Boundaries Declaration of Rights Distribution of Powers Suffrage and Elections Amendments	Leland Eldridge Henry Wait Lacy

On motion of Mr O'Dell the mode of proceeding adopted by the Convention in framing a constitution, together with the names of the three standing Committees of the Convention, were ordered printed.

On motion of Mr Andrews the Sergeant at Arms was instructed to procure rooms for the several standing Committees.

Mr Emery moved to adjourn. lost
On motion of Mr Henry the Convention took a recess until 2 o'clock P. M.

Afternoon Session

Roll called and absentees noted as follows: Mr Lacy.

Mr Andrews submitted the following Resolution.

Resolved; That all expenses incurred in furnishing the Room and necessary articles for the use of the Convention before and since the organization, and all travelling expenses of the members and every other item of expense shall be submitted to the Committee on contingent expenses without further order, to be audited and approved, or rejected by them

as they shall see fit, and reported to the Convention.

On motion of Mr Gilmore the Resolution was adopted.

On motion of Mr Andrews the Convention adjourned.

Sixth Day.

Monday June 17th 1878.

The convention met at 9 oclock A.M. Mr President in the Chair.
Roll called and absentees noted as follows: Mr. Gilmore
Prayer by Rev. N. W. Eagan.
Journal of Saturday read and approved
Mr Dennison presented the petition of Five Hundred and Eighty One Citizens of Washington Territory praying the Convention to frame a true Republican Constitution by leaving out the word "male" and guaranteeing to all citizens irrespective of Sex the exercise of the right of franchise.
Mr. Larrabee moved that the petition be referred to Committee No 3 on Suffrage &c.

Mr Bradshaw moved as an amendment that the Committee on printing be instructed to have the same printed in full.
The Amendment was accepted and the motion as amended carried —

Mr Steward presented the petition of Twenty Two female citizens of Walla Walla County requesting

that Mrs. A. J. Duniway be allowed to appear before the Convention and present a memorial in behalf of the lady Citizens of the Territory touching the rights, priviledges and immunities of Citizenship to which they claim to be entitled

Mr. Steward moved that the request be granted and that to-morrow at 10 o'clock A.M. be fixed as the time when the Convention will receive the memorialist. The ayes and noes were called for on this motion and taken with the following result.

Ayes,— Messrs Andrews, Bradshaw, Dennison, Eldridge, Henry, Steward and Mr President — 7

Noes,— Messrs Emery, George, Hannah, Larrabee, Lacy, and O'Dell. 6

absent— Messrs Gilmore & Wait — 2

So the motion prevailed

Mr George moved that a Committee of three be appointed to wait upon Mrs. A. J. Duniway and inform her of the action of the Convention. Upon this motion the ayes and noes were called for and taken with the following result.

Ayes— Messrs Andrews, Bradshaw, Dennison, Eldridge, George, Henry, Steward, and Mr President — 8

Noes; Messrs Emery, Hannah, Larrabee, Lacy and O'Dell.— 5

Absent Messrs Gilmore and Wait. 2

So the motion prevailed.

The Chair appointed as such committee Messrs George, Eldridge, and Steward.

Mr. Steward from the Special committee ap[pointed to]

report relative to the employment of a short hand Reporter submitted the following Report:

To the Honorable President of the Constitutional Convention

Your Committee to whom was referred the resolution in relation to the employment of a Stenographic Reporter for the use of the Convention beg leave to report that the Committee are of opinion that the convention is not expressly authorized to cause a record of the debates to be kept; and that it is not wise to exercise the authority as an implied one, and hence report the resolution back to the convention with a recommendation that it do not pass.

(Signed) G. W. Steward Chm
L. B. Andrews
B. F. Dennison

Mr George moved that the report be adopted —
Mr Henry moved as an amendment that the report be received, pending which Mr. Lacy moved that the resolution be indefinitely postponed. Upon this motion the ayes and noes were called for and taken with the following result, —
Ayes. — Messrs Dennison, George, Henry, Hannah, Lacy and Mr. President. — 6
Noes. — Messrs Andrews, Bradshaw, Eldridge, Emery, Gilmore, Larrabee, O'Dell, and Steward, — 8
So the motion was lost.

On motion of Mr Bradshaw the resolution was laid on the table.

subject to the order of the Convention

Mr Hannah submitted the following resolution, —

Resolved; That the Sergeant at Arms be and he is hereby ordered to procure a table and seat for Mrs. A. J. Duniway in this hall, and that she be admitted as a member of this Convention entitled to all the priviledges there of,

On motion of Mr Bradshaw the Resolution was rejected,

Mr Henry submitted the following Notice;

June 17th 1878

I hereby give notice of my intention to move, to-morrow, to amend rule 8, of the Rules of this Convention by striking out the words "to amend" in the 7th line of said Rule, so that the sentence when amended shall read,
" A motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall not be again allowed on the same day, and at the same stage of the proposition"

(signed) Francis Henry

Mr Dennison submitted the following Resolution

Resolved; That the following proposition be referred to Committee No. 3 with instructions to inquire and report as to the expediency of inserting the same in the Declaration of Rights.
No person in this State shall be denied the right to pursue any

lawful occupation, calling, or profession on account of Sex. nor shall such right be in any manner abridged on account of Sex.

The resolution was adopted and the proposition referred to Committee No. 3

Mr Larrabee submitted a draft of an article numbered fifteen entitled "Exemption", which was read and referred to Committee No. 2.

Mr Hannah moved that Mr. Andrews be added to the Committee on Contingent Expenses, pending which on motion of Mr. Bradshaw, the convention adjourned.

Seventh Day
Tuesday June 18, 1878

The convention met at 9 oclock A.M. Mr President in the chair. Roll called and absentees noted as follows: Messrs Gilmore, Leland and Wait.
Prayer by Rev. E. C. Warren
Journal of yesterday Read and approved.

Mr Larrabee moved to take from the table the following resolution: "Resolved; That twenty five copies each of the Union, Statesman and Lewiston Teller per week for each member be and are hereby subscribed for" motion carried.

Mr Larrabee submitted the following amendment to the Resolution.

Resolved that fifty copies per week of any newspapers containing the proceedings of the Convention shall be furnished each member, the member being allowed to select the paper he may desire, and that a sufficient sum to pay for the same is hereby allowed from the contingent fund, That the Sergeant at Arms be instructed to procure an adequate supply of postal envelopes for the use of the members, and the sum of $25. is hereby allowed to pay for the same.

Mr Gilmore moved that the amendment be adopted. Upon this motion the ayes and Noes were called for and taken with the following result: Ayes,— Messrs Andrews, Bradshaw, Dennison Emery, Gilmore, Hannah, Larrabee, O'Dell, Steward and Mr. President. 10.

Noes.— Messrs Eldridge, George, Henry, and Lacy 4.

So the amendment was adopted. The question being on the Resolution as amended the same was put to vote and adopted. Ten o'clock having arrived, being the hour appointed by the Convention to receive a memorial from the ladies of Walla Walla County, to be presented by Mrs A. J. Duniway, and the lady not having arrived, the Convention, on motion of Mr. Larrabee, Took a recess for half an hour.

The recess having expired the Convention was called to order

When Mr George introduced to the Convention Mrs A. J. Duniway, who proceeded to read the memorial above referred to. At the conclusion of the reading, On motion of Mr. Gilmore, the memorial was referred to Standing Committee No 3.

On motion of Mr Larabee the convention adjourned.

Eighth Day

Wednesday June 19th 1878

The Convention met at 9 oclock A.M. Mr President in the Chair. Roll called and Absentees noted as follows — Mr Lacy. Prayer by Rev. Mr Boyd. Journal of yesterday read and approved.

Mr Dennison submitted the following Resolution:

Resolved: that the following propositions be referred to Committee No 1. to inquire and report as to the expediency of inserting the same in some part of the Constitution; the propositions are as follows. "In actions against common carriers of passengers to recover damages for personal injuries occasioned by negligence on the part of the carriers, slight contributory negligence on the part of the person injured shall not constitute a defence but the damages shall be apportioned according to the degree of fault. Such parts of the common law and such parts of the Civil and admiralty law as are applicable to

our situation and circumstances and not inconsistent with the Constitution and laws of this State, or of the United States, shall be in force in this state and Courts may resort to either for such rules of decision as will best promote justice and equity in cases before them.

On motion of Mr Andrews, the Resolution was referred to committee No One.

The following Resolution was also submitted by Mr Dennison;

Resolved; That the following propositions be referred to committee No. 2. with instructions to inquire and report as to the expediency of inserting the same in the Constitution.

The propositions are as follows;

Navigaable Waters

1. All navigable waters within the state shall be and remain public highways, free to all Citizens of the State and of the United States, without tax, impost, or charge, and no tax, wharfage or charge shall be demanded or received from the owner of any merchandise, or commodity for the use of the Shores, or any Wharf erected on the shores, or in or over the waters of any navigable Stream, unless the same be expressly authorized by law.

2. No navigable Stream in this State shall be bridged, dammed, or obstructed by any person or corporation without the authority of law.

On motion of Mr Lacy the Resolution was referred to Committee No. 2.

There being no objection thereto, the unfinished business consisting of the motion of Mr Hannah to have Mr Andrews added to the Committee on Contingent Expenses, was taken up, put to vote of the Convention and carried.

Pursuant to notice heretofore given Mr Henry moved to amend Rule 8th, by striking out the words "to amend" in the 7th line of said Rule. After a discussion of the motion, Mr Henry moved to lay the motion to amend on the table — carried.

Mr Hannah submitted the following proposition entitled

Swamp Lands

The proceeds of all the swamp, tide and overflowed lands, to which this state may be entitled by the provisions of an Act of Congress entitled; "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits, approved September 28th 1850 shall be set apart as a seperate fund to be called a public building fund which shall be applied to the construction of a State House, Penitentiary and Insane Asylum. The Governor, Secretary of State, and State Treasurer shall constitute a Board of Commissioners for the sale of the said lands and for the investment of the fund arising therefrom.

Said funds to be invested in United States bonds under such restrictions as may be prescribed by law. Provided - however that no appropriation shall be made of said fund until the same shall have actually accumulated in the Treasury.

On motion of Mr Henry the proposition was referred to Committee No 2.

Mr Dennison submitted the following Resolution:-

Resolved; that the annexed propositions be referred to Committee No. 2 with instructions to report as to the expediency of inserting the same in the Constitution.

The following are the Propositions

Rights of Husband and Wife

1. All property, both real and personal of the wife, owned by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her seperate property; and upon her death shall descend to her heirs at law, unless otherwise disposed of during her life time, in such manner as may be prescrib-ed by law.

<Same as to the husband>

3. All property acquired after the marriage by husband and wife, or either, except such as may be acquired seperately by gift, devise, or descent, shall be common property, and upon the death of either sh[all] descend, subject to the comm[on] debts to the sur[vivor] ...

surviving children of each and of both in equal parts.

4. Laws shall be passed relieving married women from the common law disabilities of coverture and plainly defining their rights to make and enforce contracts relating to their seperate property and personal rights.

5. Tenancy in dower and tenancy by the curtesy shall not exist.

6. Laws shall also be passed clearly defining the rights of husband and Wife during marriage. and providing the manner in which the Common and Seperate property may be controlled, encumbered and disposed of during marriage, and providing for their equal rights in the possession of their children.

7. The seperate property of the wife shall not be liable for the debts, obligations and engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

On motion of Mr Dennison the Resolution was referred to Committee No two.

Mr Larrabee moved that the Convention adjourn until two oclock tomorrow in order to give the Committees time to work. Carried.

So the Convention adjourned.

Ninth Day

Thursday June 20th 1878

The convention met at two oclock P.M. Mr President in the chair. Roll called and absentees noted as follows: Mr Henry.

Prayer by Rev. C. R. Shields

Journal of yesterday read and approved.

Mr Leland from Committee No 3. reported certain subdivisions of the Constitution as follows:

Preamble

We the people of Washington, with profound reverence for the Supreme Ruler of the Universe, in order to form a more independent and perfect government, establish justice insure tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the State of Washington.

Boundaries.

The Boundaries of the State shall be as follows:

Commencing one marine league West from the mouth of the middle channel of the Columbia River where it enters the Pacific Ocean. Thence extending up said middle channel of said river to where the forty sixth parallel of North latitude intersects the same near Wallula. Thence East along said parallel to where it intersects the middle channel of Snake River. Thence Southerly

along said middle channel of Snake River to where it intersects the forty fifth parallel of North Latitude. Thence East along said last parallel to where it intersects the meridian thirty seven degrees and thirty minutes West.

Thence North along said meridian to where it intersects the crest of the Bitter Root range of mountains.

Thence North-westerly along the crest of said mountains to where it intersects the thirty-ninth meridian West. Thence North along said meridian to the boundary line of the British Possessions. Thence Westerly along the line of the British Possessions to a point one marine league West from the mouth of the middle channel of the Straits De Fuca.

Thence Southerly at a distance of one marine league West from the East shore of the Pacific Ocean to the place of beginning.

Distribution of Powers.

Section 1st. The powers of the government of the State shall be divided into three seperate and distinct depart-ments, towit; The Legislative, the Executive and the Judicial.

Sec. 2nd. No person or persons holding any position in, or exercising any authority under one of these departments, shall fill any office or exercise any authority what ever under either of the others, except what may be expressly provided for in this

Amendments.

Any Amendment or Amendments to this Constitution may be proposed in either branch of the Legislature; and, if two thirds in each house shall agree to such amendment or Amendments or to any, where more than one is proposed, the Legislature shall cause the same to be submitted to the people for their approval at the next general election and if a majority of all the votes cast throughout the State shall be in favor of adopting the same, it or they shall then become a part of this Constitution; but when more than one Amendment is proposed, the people shall vote upon each one separately. The Legislature shall also cause the Amendments that are to be submitted to the people, to be published in some weekly newspaper in every county where such newspaper is published throughout the State.

On motion of Mr O'Dell the report was laid on the table and ordered printed.

On motion of Mr O'Dell the Convention adjourned until two o'clock P.M. tomorrow.

Tenth Day

Friday June 21st 1878.

The Convention met at two o'clock P.M. Mr President in the chair. Roll called and quorum found present. Journal of yesterday read and approved.

Mr Leland from Committee No 3, reported certain subdivisions of the proposed Constitution as follows:

Education.

Section 1st. The stability of a Republican form of Government, depending mainly upon the intelligence of the People, it shall be the duty of the Legislature to establish a general and uniform system of Public Schools.

Sec. 2nd. The Governor, Secretary of State and State Superintendent of Public Schools shall, under the direction of the Legislature, constitute a board of Commissioners for the sale, leasing and general management of all lands and funds set apart for Educational purposes, and for the investment of School funds in such manner as may be prescribed by law.

Sec. 3rd. All lands, money or other property granted or bequeathed, or in any manner conveyed to this State for Educational purposes shall be used and expended in accordance with the terms of such grant, bequest or conveyance.

Sec. 4. The following are hereby declared to be perpetual funds for common School purposes, of which the annual interest or income only can be appropriated, towit:

1. Such per centum as has been, or may hereafter, be granted by Congress on the sale of public land in this State.

2. All moneys arising from the sale or leasing of Sections numbered Six=teen and Thirty-six in each Township in this State, and the lands that have been, or may hereafter be selected in lieu thereof. 3. The Five Hundred thousand acres of land granted to the new state, under an Act of Congress distributing the proceeds of Public Lands among the several States of the Union, approved September 4th. A.D. 1841. and all estates of persons dying without heirs and will.

4. The proceeds of all lands that have been or may hereafter be, granted to this State where by the terms and conditions of such grant the same are not to be otherwise appropriated.

5. All moneys, stocks, bonds, lands, and other property now belonging to the Common School Fund.

Sec. 5th. All fines, penalties and license moneys arising under the general laws of the State shall belong to and be paid over to the counties respectively where the same may be levied or imposed; all such fines, penalties and license moneys shall be appropriated exclusively to the support of common schools where the same may accrue.

Sec. 6th. All funds belonging to the State, for educational purposes, the interest and income whereof only are to be used, shall be [illegible]

funds held by the State: and the State shall supply all losses thereof that may in any manner accrue, so that the same shall remain forever inviolate and undiminished, and shall not be invested or loaned except on United States or State Bonds or Registered County Bonds of this State, and the income thereof is hereby solemnly pledged for the purposes for which they are granted or set apart and shall not be transferred to any other fund for other uses. The State Treasurer shall be the custodian of the School fund.

Sec. 7th. The Legislature shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the State, wherein all persons between the ages of Six and twenty-one years may be educated gratuitously: one or more public Schools shall be maintained in each school-district within the State, at least three months in each year; any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.

Sec. 8th. No religious test or qualification shall ever be required of any person as a condition of admission into any public school or educational institution of the State, and no sectarian tenets or doctrines shall ever be taught in the public schools in this State, nor shall any funds set apart for educational purposes be appropriated for the support of schools controlled in whole or in part by any religious or sectarian denominations

Sec. 9th. Provisions shall be made by general law for an equitable distribution of the income of the fund set apart for the support of common schools among the several school districts of the State in proportion to the number of persons between the ages of Six and Twenty One years.

Sec. 10th. University, Agricultural College, Common School or other lands, which are now held or may be hereafter acquired, by the State for educational purposes, shall not be sold for less than Seven dollars per acre, nor less than the appraised value, nor shall any of said lands be sold before the expiration of ten years from the admission of the State into the Union. The Legislature shall provide by general law for the appraisment of all lands for educational purposes.

Sec. 11th. The Legislature may provide by law for the establishment of a school or schools for the safe-keeping, education and employment of all children under sixteen years of age who, for want of proper parental care, or other cause, are growing up in mendicancy or crime.

Sec. 12th. The Board of Education shall have power to prescribe text books to be used in the public schools, and the same shall not be changed oftener than once in five years.

Sec. 13th. The University lands and proceeds thereof, and all moneys belonging to said fund, shall be a permanent fund for the sole use of the State University; the interest arising from the same shall be appropriated for

th[illegible]

Declaration of Rights.

The people of this State in asserting their rights, acknowledging their duties, and proclaiming the principles upon which their Government is founded, hereby declare:

Section 1st. That all political power resides in the people, and can only be derived from them: that all government eminates from the people, is the expression of their will only, and is established solely for the good of all its subjects.

Sec. 2nd. That the people of this State have the exclusive right of governing themselves as a free, sovereign and independent State; of altering or abolishing their form of government; and they may do and forever hereafter shall, exercise and enjoy every power, jurisdiction and right which is not now, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

Sec. 3rd. That all persons are created with certain natural essential and inalienable rights, embracing that of enjoying and defending their lives and liberties, that of acquiring, possessing and protecting property, and that of seeking, acqu-iring and maintaining security and happiness.

Sec. 4th. That the free exercise and enjoyment of religious profession and worship, without discrimination or preference shall forever be allow[illegible]

in this State; and no person shall be considered incompetent to be a witness, or ineligible to vote or hold office, or disqualified to hold property on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured, shall not be so construed as to excuse acts of licentiousness, or practices inconsistent with the peace or safety of the State.

Sec. 5th. No person shall be deprived of life, liberty or property without due process of law.

Sec. 6th. No person on account of sex shall be legally disqualified to enter upon and pursue any of the lawful business avocations or professions of life.

Sec. 7th. Every person may freely speak, write and publish his opinions on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good intentions, shall be a sufficient defense.

Sec. 8th. The right of trial by jury shall remain inviolate, but the trial of civil cases by a jury of less than twelve men may be authorized by law.

Sec. 9th. Every person in the State ought to find a certain and speedy remedy in the laws, for all wrongs and injuries which he may receive in his person, character or property; right and justice ought to be administered to all, freely and without [illegible]

any denial or reservation; promptly and without delay in conformity to the laws.

Sec. 10th. The rights of the people to be secure in their persons, papers, homes, houses and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue except upon probable cause, supported by oath or affirmation, reduced to writing; and describing as near as may be, the place or places to be searched and the person or persons and thing or things to be seized

Sec. 11th. There shall never be in this State either slavery or involuntary servitude, save as a punishment for crime whereof the party shall have been duly convicted.

Sec. 12th. All persons shall be bailable by sufficient sureties; unless for capital offenses when the proof is evident or the presumption great: and no excessive bail shall be required, nor excessive fines be imposed nor cruel and unusual punishments be inflicted.

Sec. 13th. No person shall be imprisoned for debt arising out of or founded on a contract express or implied, save upon evidence of fraud; and the priviledge of the debtor to enjoy the necessary comforts of life shall be recognized and provided for by wholesome laws, exempting a reasonable amount of property from seizure or sale to pay any debt or liability hereafter contracted.

Sec. 14th. In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 15th. No person shall be imprisoned for the purpose of securing his testimony, if he can give security for his appearance at the trial of the cause; and in no case longer than is necessary to take his deposition with reasonable notice of time and place to the counsel for the accused and attorney prosecuting for the people. In case the accused has no counsel the Court shall assign him one in that behalf only. Such deposition shall not be used if in the opinion of the Court the personal attendance of the witness might be procured by the prosecution or is procured by the accused. When used, no exception shall be taken to the matter of form in such deposition.

Sec. 16th. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, or retrospective in its operations or make any irrevocable grant of special priviledges, franchises or immunities, shall ever be enacted

Sec. 17th. Private property shall never be taken or damaged for public use without just compensation therefor.

Sec. 18th. The right of the people to peaceably assemble and consult for the common good, to petition or remonstrate the government, or any department thereof, shall never be restrained or abridged.

Sec. 19th. The military shall always be in strict subordination to the civil power.

Sec. 20th. All laws in reference to the possession, enjoyment and descent of property shall be alike applicable to resident aliens and citizens.

Sec. 21st. Writs of error shall never be prohibited by law.

Sec. 22nd. The right of the people to keep and bear arms in defense of their persons, their homes, and their property shall never be questioned; but this shall not be construed so as to justify the practice of carrying concealed weapons.

Sec. 23rd. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by Justices of the Peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger; hereafter the grand jury shall consist of twelve men, any nine of whom concurring may make a presentment or find an indictment; provided, the general Assembly may thereafter change, regulate or abolish the grand jury system; and no person for the same offense shall be put

twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself; and the priviledge of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require.

Sec. 24 th. No power, civil or military, shall interfere to prevent the free exercise of the right of suffrage.

Sec. 25 th. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or in confession in open court.

Sec. 26 th. The enumeration in this Constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.

Sec. 27 th. The advantages and blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

On motion of Mr O'Dell the report was laid on the table and ordered printed.

On motion of Mr O'Dell the committee on Printing was instructed to have (200) two hundred copies of blank certificates printed to be used by the President in certifying the expenses of the ...

The President announced an invitation to the Convention from Columbia Lodge No 26 A F and A M of Dayton W.T. to attend a ball and pic-nic on the 24th instant.
Whereupon Mr O'Dell submitted the following resolution.

Resolved: That the thanks of this Convention be and they are hereby tendered to Columbia Lodge No 26, A.F. and A.M for their kind invitation to attend their pic-nic and ball and that the same, for want of time, be declined.
The resolution was adopted.

Mr George asked for three days leave of absence the same to begin next Monday. On motion of Mr. O'Dell the request was granted.

Mr Eldridge made the following motion.

Mr President

I move that Committee No 2 be instructed to inquire into the expediency of incorporating the following item into the Constitution and report thereon.

Item

The rights of all persons who have acquired any claim or ~~title~~ from the United States to any land within the boundaries of this State. Which may come under the designation of Swamp, tide, or overflowed lands shall be respected by this State and all persons now claiming, or who may hereafter claim any of said lands under [illegible] the U. S. laws previous

to the admission of this state into the Union, to which the State shall or may obtain any title, either by Act of Congress, or by virtue of its sovreignty, shall be protected in their rights, and a valid title shall be granted in all such cases by the State to all such persons as comply with all the conditions of the United States laws in the same manner as they would have been compelled to do had no State government been formed.

The motion was put to vote of the Convention and carried.

Mr Bradshaw moved that tomorrow be assigned as the time for taking from the table the several subdivisions reported by Committee No. 3.

Mr George moved to amend by restricting the motion of Mr Bradshaw to that portion of the said committees report embracing the subdivisions severally entitled as follows; Preamble, Disttibution of Powers and Boundaries,

Mr. Bradshaw accepted the amendment and the motion as amended was carried. On motion of Mr Gilmore the Convention adjourned.

Eleventh Day

Saturday June 22nd, 1878

The Convention met at 9 oclock A.M.
Mr President in the Chair.
Roll called. Quorum present.
Journal of yesterday read and approved.

Mr John Bryant one of the Messengers of the Convention submitted his resignation in writing.
Mr George moved that the resignation be accepted.

Mr Larrabee suggested that the resignation was not couched in respectfull language and was an insult to the Convention and therefore moved as an amendment to the motion of Mr George that the office of Messenger held by said John Bryant be declared vacant and the resignation returned. The Amendment was accepted by Mr George and the motion as amended being put to vote of the Convention was unanimously carried.

On motion of Mr George the Convention proceeded to fill the vacancy thus occuring in the office of Messenger whereupon Mr George nominated Arthur Sharkstein of Walla Walla.

On motion of Mr O'Dell Arthur Sharkstein was declared elected to the office of Messenger by acclamation.

The hour having arrived for the consideration of that portion of the report of Committee No 3 respecting Preamble, Distribution of Powers and Boundary, the three several articles thereof entitled were tak[illegible]

from the table, and read the first and second times.

On motion of Mr Lacy the Convention resolved itself into Committee of the whole to consider the article entitled Preamble. Whereupon the President called Mr George to the chair.

Having considered the article entitled Preamble, the committee rose, the President resumed the chair, and the Chairman of the Committee (Mr George) reported the following amended

Preamble

We the people of the Territory of Washington, grateful to the Supreme Ruler of the Universe for our freedom, in order to secure and perpetuate its blessings, form a more independent and perfect government, establish justice, insure tranquility, provide for the common defense, and promote the general welfare, do ordain and establish this Constitution of the State of Washington,

On motion of Mr Bradshaw the Preamble as amended by the Committee of the whole was ordered engrossed for its third reading.

On motion of Mr Larrabee the Convention resolved itself into Committee of the whole on the articles entitled respectively Distribution of Powers, and Boundaries.
Mr Bradshaw in the Chair;

On motion of Mr Larrabee the Committee rose to report progress. Mr President resumed the Chair.

[illegible]

(Mr Bradshaw) submitted the following;

Report

Mr President;

The committee of the whole to whom was referred the Articles upon Distribution of Powers, and of Boundaries, beg leave to report the following amendments. Insert in the article on Distribution of Powers, in the first line of the 2nd section after the word person, the words "or collection of persons"— in the 2nd line of the second section, strike out the word "fill" and insert the word "hold", in the third line of the 2nd section strike out the word "what" and insert the words "such as"—

Your committee report further that they have under consideration the article on Boundaries and have not completed its consideration and therefore ask leave to sit again.

(Signed) C. M. Bradshaw
Chairman

Mr Eldridge moved that the amendments reported by the Committee be adopted and that the Article be ordered engrossed for its third reading, carried.

On motion of Mr Larrabee the committee was granted leave to sit again.

On motion of Mr Gilmore the Convention took a recess until two oclock P.M.

Afternoon Session

The convention reassembled at two oclock P.M.

On motion of Mr Gilmore the convention resolved itself into committee of the whole on the article entitled "Boundaries"

Mr Bradshaw in the chair.

At five oclock P.M.

Mr Steward moved that the committee rise, report progress and ask leave to sit again — carried. Whereupon the Committee rose, Mr President resumed the Chair, and the chairman of the Committee (Mr Bradshaw) submitted the following.

Report

Mr President

Your committee of the whole, having under consideration the article upon the question of Boundaries not having completed their examination of said article beg leave to sit again

C M Bradshaw
Chairman

On motion of Mr Dennison the report was adopted —

On motion of Mr O'Dell the convention adjourned

Twelfth Day

Monday June 24. 1878

The convention met at 9 oclock A.M.
Mr President in the chair.
Roll called and absentees noted as follows:
Messrs Gilmore, George, Henry Leland and Wait.

Prayer by Rev. Mr Boyd
Journal of Saturday read, corrected and approved.

Mr Leland from Committee No 3 reported the following article, entitled

Suffrage and Elections.

Section 1st. Every male person over the age of twenty one years, possessing the following qualifications, shall be entitled to vote at all elections:

1. He shall be a citizen of the United States, or not being a citizen of the United States, he shall have declared his intention, according to law, to become such citizen not less than six months before he offers to vote.

2. He shall have resided in the State six months immediately preceding the election at which he offers to vote, and in the County thirty days; provided, that no person shall be denied the right to vote at any school district election, or to hold any school district office, on account of Sex.

Sec. 2nd. For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or to have lost it by reason of his absence, while in the civil or military service of the State, or of the United States, nor while a student at [illegible]

kept at public expense in any poor-house or other asylum, nor while confined in public prison.

Sec. 3rd. Voters shall in all cases, except treason, felony or breach of the peace, be priviledged from arrest during their attendance at elections, and in going to and returning therefrom.

Sec. 4th. No person, except a qualified elector, shall be elected or appointed to any civil or military office in the State. —

Sec. 5th. The general election shall be held on the Tuesday following the first Monday of November, 1880, and biennially thereafter.

Sec. 6th. All elections shall be by ballot except those by persons in their representative capacity, which shall be viva voce.

Sec. 7th. No Idiot or insane person shall be entitled to the priviledges of an elector.

Sec. 8th. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, perjury or of any infamous crime; and depriving every person who shall make, or become directly or indirectly interested in any bet or wager depending upon the result of any election, of the right to vote at such election.

On motion of Mr O'Dell the article was laid upon the table and ordered printed.

Mr. Emery submitted the following

Resolution

Resolved:
That a committee of three on Engrossed articles be appointed by the President.

Mr Larrabee moved that the rules be suspended and the resolution put upon its passage, carried unanimously. The resolution was then put to vote of the Convention and adopted. The President appointed as such committee Messrs Emery, Steward and Henry. The Convention having proceeded to the order of Unfinished Business.

On motion of Mr Hannah the Convention resolved itself into committee of the whole on the article entitled "Boundaries"
Mr Bradshaw in the Chair. The committee continued in session until 12 oclock M. when on motion of Mr O'Dell the Committee rose. The President resumed the Chair and the Chairman of the Committee (Mr Bradshaw) submitted the following

Report.

Mr President;
The Committee of the whole to whom was referred the article entitled "Boundaries" beg leave to report that they have not concluded the consideration of the article upon Boundaries and therefor ask leave to sit again.

C. M. Bradshaw.
Chairman

On motion of Mr Eldridge leave was granted the Committee to sit again.

On motion of Mr O'Dell the convention took a recess until two oclock P.M.

Afternoon Session

The convention reassembled at two oclock P.M.

Mr Hannah submitted the following Resolution

Resolved:

That Hon. Alonzo Leland who represents the Counties of Idaho, Shoshone and Nez Perce, in Idaho Territory is entitled by virtue of his election by the people of those counties to the priviledges of the floor of this Convention. with the priviledge of voting on all questions

On motion of Mr Lacy the resolution was referred to a special committee of three. The President appointed as such committee Messrs Dennison, O'Dell and Eldridge.

On motion of Mr Lacy the Convention resolved itself into Committee of the whole on the article entitled "Boundaries" Mr Bradshaw in the Chair.

After a consideration of the article by the Committee. On motion of Mr Lacy the Committee rose, whereupon Mr President resumed the chair and the chairman of the committee (Mr Bradshaw) submitted the following

Report.

Mr President:

The committee of the whole to whom was referred the article on "Boundaries" have had the same under consideration and direct [illegible]

following amendments:

In the 1st line after the word State insert the words "of Washington". In the 2nd line after the word middle insert the words "of the north ship"— Strike out the 3rd line—

In the 4th line after the word Thence, strike out the words—"extending up said middle channel of", and insert the words—"along the northern boundary of the State of Oregon up". In the 5th line strike out the word "Wallula" and insert the words "The mouth of the Walla Walla river"

In the 6th line after the word "middle" insert the words—"of the main" Strike out the word "middle" in the 7th line.

In the 16th line after the word "middle" insert the words "of the". In the same line after the word "Strait" insert the words—"of Juan"

In the 18th line after the word beginning add the words—"including all islands and parts of islands within said boundaries within the jurisdiction of the United States".

(Signed) C. M. Bradshaw
Chairman

On motion of Mr Lacy the amendments reported by the committee of the whole were adopted.

Mr Larrabee submitted the following motion to amend.

Mr President!

I move to strike out all that portion of the article on boundaries commencing with the words "Thence Southerly along the middle channel of Snake river" in the 7th line.

down to and including the words "Thence north along said meridian to the boundary line of the British Possessions in the 14th line, and insert the following "Thence down the channel of Snake river to a point opposite the mouth of the Koos Koos kia or Clearwater river; thence due North to the forty-ninth parallel of latitude"

Provided however, That the following alterations of the aforesaid boundary be, and hereby is proposed to the Congress of the United States as the nearly unanimous desire of the people included therein, and as the preference of the State of Washington, and if the same shall be assented and agreed to by the Congress of the United States, then the same shall be and forever remain obligatory on the State of Washington viz; Leaving the aforesaid boundary line at the point where the forty-sixth parallel of North latitude intersects the middle channel of Snake river; Thence southerly along said middle channel of Snake River to where it intersects the forty fifth parallel of North latitude. Thence East along said last parallel to where it intersects the meridian thirty seven degrees and thirty minutes West, Thence north along said meridian to where it intersects the crest of the Bitter Root Range of mountains. Thence Northwesterly along the crest of said mountains to where it intersects the thirty-ninth meridian West. Thence North along said meridian to the boundary line of the British Possessions, Thence westerly along the line of the British Possessions as prescribed in the aforesaid boundary - etc - etc to the place of beginning.

On this motion the ayes and noes were called for and taken with the following result;
ayes — Messrs Bradshaw, Larrabee and Mr President. 3
Noes — Messrs Andrews, Dennison, Eldridge Emery, Gilmore, Henry, Hannah, Lacy, O'Dell, Steward and Wait — 11
absent — Mr George 1.
So the motion was lost.

Previous to the announcement of the vote on the above motion, Messrs Larrabee and Bradshaw presented their protest, in writing, against the action of the Convention in refusing to amend the article on Boundaries, as proposed by Mr Larrabee's motion last above recited. After the announcement of the vote on the amendment, Mr Larrabee moved that the protest aforesaid be entered in the Journal of the Convention. On this motion the ayes and noes were called for and taken with the following result.
ayes — Messrs — Bradshaw, Eldridge and Larrabee — 3
Noes — Messrs Andrews, Dennison, Emery, Gilmore, Henry, Hannah, Lacy, O'Dell, Steward, Wait and Mr President — 11
absent — Mr George — 1
So the motion was lost.

On motion of Mr Lacy the article on Boundaries was ordered engrossed for its third reading

Mr Lacy from the committee on Contingent Expenses submitted the following Report;

To the President of the Constitutional Convention.

Your committee on contingent expenses to whom was referred certain Bills and expense accounts, beg leave to report as follows:

That they have examined and find correct and recommend for payment the following to wit—

Bill of Schwabacher Bros. & Co	$ 20.75
" " Dowell & Butler	6.50
" " Evertz & Able	4.35
" " " "	7.63
" " Adams Bros.	69.68
" " E. L. Merriff	25.00
" " John Bryant	15.00

The committee also have presented to them for payment a bill of Evertz & Able in the sum of $138.00 which is for furniture which said parties propose to accept at the close of the convention together with the sum of Fifty $50.00 Dollars for the rent of said furniture. $50.00

The committee further report that they have examined and approved the following expense accounts of members of this convention.

James V. O'Dell	coming & returning	$ 25.00
C. H. Larrabee	do.	29.00

Your committee further report that they have examined the bill of Alonzo Leland for attendance as provided under the act of the Legislature and recommend its payment.

(Signed)

O. P. Lacy
S. M. Wait
L. B. Andrews
[illegible]

The report showing that Messrs Evertz & Able have furnished the convention with furniture for the Hall to the value of $138.00 and that at the close of the Convention they propose to take the same back and accept the sum of $50.00 for the rent of the same,
Mr Hannah moved that the Convention accept the proposition
— carried —
On motion of Mr Lacy the report of the Committee was adopted and the President instructed to issue Certificates for the various sums therein specified.

On motion of Mr Lacy the Convention adjourned!

Thirteenth Day
Tuesday June 25th, 1878

The convention met at 9 oclock A.M.
Mr President in the chair
Roll called and absentees noted as follows; Messrs George and Henry,
Journal of yesterday read and approved,

Mr Dennison from Committee No 1 reported the following article entitled

Legislative.

Section 1. The Legislative power of this State shall be vested in two distinct branches; the one to be styled the Senate, and the other the House of Representatives, and both together the Legislature of the State of Washington.

The style of all laws shall be: "Be it enacted by the Legislature of the State of Washington."

Sec. 2. The number of the members of the House of Representatives shall never be less than eighteen nor more than sixty. The Senate shall consist of a number not more than one-half nor less than one-fourth of the number of members of the House of Representatives.

Sec. 3. The Legislature shall provide by law for an enumeration of the inhabitants of the State in the year One Thousand eight hundred and eighty-five, and at the end of every ten years thereafter; and, at its first session after such enumeration, and after each enumeration made by authority of the United States, the Legislature shall apportion and district anew the members of the Senate and House of Representatives, according to the number of inhabitants, excluding Indians not taxed and Soldiers and officers of the United States army and navy.

Sec. 4. An election for members of the Legislature shall be held on the Tuesday succeeding the first Monday in November in the years 1879 and 1880, and no other or further notice of said election shall be required; and each alternate year thereafter, at such places in each county as now are, or hereafter may be, provided by law.

The first election for members of the Legislature under the State organization shall be conducted in the manner prescribed by the laws of Washington Territory regulating elections for members of the [illegible]

vacancies occur in either house, the Governor shall issue writs of election to fill such vacancies.

Sec. 5. Senators shall be elected for the term of four years, and the members of the House of Representatives for the term of two years, provided, that the members of both houses, first elected shall hold their offices until the time fixed for the meeting of the second Legislature, but no longer.

Sec. 6. No person shall be a member of the Legislature who shall not be a citizen of the United States, and who shall not, for at least twelve months next preceding his election have resided within the county or district in which he shall be chosen; provided, that any person who, at the time of the adoption of this constitution is a qualified elector under the territorial laws shall be eligible to the first Legislature.

Sec. 7. The Senate districts for the first Legislature shall be co-extensive with the Council districts and the Representative districts shall be co-extensive with the representative districts of the Territory as they now are or may be hereafter established by law; and a Senator shall, at the first election under this Constitution, be elected for each Senate district, and a Representative or Representatives for each Representative district.

Sec. 8. The first Legislature shall divide the State into at least ten legislative districts, in each of which one Senator and three Representatives

shall be elected at the general election then next ensuing; and the districts shall be of convenient contiguous territory, to be bounded by county, precinct or ward lines; and the number may be increased, but shall never exceed twenty. The legislative districts shall be numbered in regular series, and the Senators chosen by the odd-numbered districts shall go out of office at the expiration of the second year and the Senators chosen by the even numbered districts shall go out of office at the expiration of the fourth year; and thereafter the Senators shall be chosen for the term of four years.

Representatives shall hold their office for the term of two years. In all elections of Representatives, after such division, each qualified elector may cast as many votes for one candidate as there are Representatives to be elected in the district, or he may distribute the same, or equal parts thereof, among the candidates as he shall see fit; and the candidates highest in votes shall be elected.

The terms of office of Senators and Representatives elected at any time subsequent to the first election, shall commence at the end of the terms of those in office at the time.

Sec. 9. Each member of the Legislature as a compensation for his services shall receive four dollars for each day's attendance and ten cents for each mile necessarily traveled in going to and returning from the seat of government, and shall not receive any other compensation, perquisite or allowance whatsoever.

No session of the Legislature except the first shall exceed forty days, the

[illegible]

compensation to any public officer agent servant or contractor after the service shall been rendered or the contract entered into; nor shall the compensation or mileage of any public officer be increased or diminished during his term of office.

Sec. 10. The first Legislature shall meet at 12 oclock meridian, at the seat of government, on the fourth Monday after the proclamation by the President of the United States, declaring Washington to be a State of the Union: shall effect an organization and thereafter shall meet biennially, at such times and places as may be provided by law.

Sec. 11. Each House shall be judge of the elections, returns and qualifications of its own members and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

Sec. 12. Each House shall have power to determine its rules of proceeding, and punish its members or other persons for contempt or disorderly behavior in its presence; to enforce obedience to its process, to protect its members against violence, or offers of bribes, or private solicitations, and, with the concurrence of two thirds of all the members elected, to expel a member, but not a second time for the same cause; and shall have all other powers necessary for the Legislature of a State of the American

Union. A member expelled for corruption shall not thereafter be eligible to either House of the same Legislature; and punishments for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

Sec. 13. The Senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members as President.

Sec. 14. Each House shall keep a Journal of its proceedings and may, in its discretion, from time to time, publish the same. The doors of each House shall be kept open except when the public welfare shall require secresy. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 15. Members of the Legislature shall in all cases, except treason, felony, violation of their oath of office, and breach of the Peace, be priviledged from arrest during their attendance at any session of the Legislature, and in going to and returning from the same; and no member shall be liable in any criminal action or criminal prosecution whatever for words spoken in debate.

Sec. 16. No act of the Legislature shall take effect until ninety days after its passage, unless in case of emergency (which shall be expressed in the preamble of the act), the Legislature shall, by a vote of two thirds of the

members elected, otherwise direct. No bill, except the general appropriation bill for the expenses of the government introduced in either House after the expiration of the first twenty five days of the session, except at the first session, shall become a law, unless the same shall have been recommended by the Governor by special message; and no bill except one so recommended, shall be considered or become a law unless referred to a committee, returned there from, and printed for the use of the members."

Sec. 17. No bill, except for general appropriations, shall be passed containing more than one subject, which shall be expressed in the title; but if any subject shall be embraced in any act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed.

Sec. 18. Every bill except one recommended by the Governor as aforesaid, and except a general revision of the Statutes shall be read at length at least once in each House; all substantial amendments thereto shall be printed for the use of the members before final vote on the bill: and no bill shall become a law unless a majority of all the members elected to each House shall vote in its favor, nor unless, on its final passage, the vote be taken by ayes and noes, and entered on the journal

Sec. 19. No law shall be revised or amended by reference to its title alone but so much thereof as is revised, amended or extended shall be re-enacted and published at length. The Legislature shall not pass local or special

Laws in any of the following cases, viz
for laying out, opening, altering or working
roads or highways; vacating roads, town
plats, streets, alleys and public grounds;
regulating county or precinct affairs;
regulating the practice in courts of justice;
regulating the jurisdiction and duties of
Justices of the Peace, police magistrates
and constables; Changing the rules of
evidence in any trial or inquiry;
providing for changes of venue in civil
or criminal cases; declaring any person
of age; limitations of civil actions or
giving effect to informal or invalid deeds
Summoning or empanneling jurors; providing
for the management of common schools;
regulating the rate of interest on money;
the opening or conducting of any election,
or designating the place of voting; the
sale or mortgage of real estate belonging
to minors or others under disability;
chartering or licensing ferries or toll
bridges; remitting fines, penalties or
forfeitures; creating, increasing or decreasing
fees, percentage or allowance of public
officers; changing the law of descent;
granting to any corporation, association
or individual any special or exclusive
priviledge, immunity or franchise what-
ever; allowing the redemption of real
estate sold for taxes or under the
final process of any court. In all
other cases where a general law can be
made applicable, no special law shall
be enacted.

Sec. 20. The presiding officer of each House
shall, in the presence of the house over
which he presides, sign all bills and
joint resolutions passed by the Legislature,
the title of which shall be publicly read
immediately before signing; and the fact
of signing shall be entered on the journal

Sec. 21. The Legislature shall prescribe by law the number, duties and compensation of the officers and employees of each House, and no payment shall be made to any officer or employee who does not discharge his duties in person.

Sec. 22. The Legislature shall provide by law that all stationery required for the use of the State, and all printing and binding authorized and required by them to be done for their use or for the State, shall be let by contract to the lowest bidder; but the Legislature may establish a maximum price. No member or officer of any department of the government shall be in any way interested in any such contract.

Sec. 23. Any bill may originate in either House of the Legislature, and a bill passed by one House may be amended by the other.

Sec. 24. The Legislature shall never authorize any lottery, nor grant any divorce; the sale of lottery tickets shall be prohibited by law.

Sec. 25. The general appropriation bill shall embrace only appropriations for the ordinary expenses of the Executive, Legislative and Judicial departments of the State; interest on the public debt, and for purposes of education. All other appropriations shall be made by separate bill, each embracing but one subject.

Sec. 26. No money shall be paid out of the Treasury except upon an appropriation by law and by warrant drawn by the proper officer

in pursuance thereof.

Sec. 27. The Legislature shall not delegate to any special commission, private corporation or association any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or to perform any municipal function whatever.

Sec. 28. No act of the Legislature shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation.

Sec. 29. No obligation or liability of any person, association or corporation, held or owned by the State or by any municipal corporation, shall be exchanged, transferred, remitted, released, postponed or in any way diminished by the Legislature nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury.

Sec. 30. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournments, or relative solely to the transaction of the business of the two Houses, shall be presented to the Governor for his approval; if he disapprove, he shall return it, with his objections, to the House in which it originated, where it shall take the course prescribed in case of a bill.

Sec. 31. A member who has a personal or private interest in any bill proposed or pending before the Legislature shall

which he is a member, and shall not vote thereon.

Sec 32. The Legislature shall direct by law in what manner and in what courts suits may be brought against the State.

Sec 33. The Legislature shall determine what persons shall constitute the militia of the State, and may provide for organizing and disciplining the same in such manner as may be prescribed by law.

Sec 34. In all elections to be made by the Legislature, the members thereof shall vote viva voce, and their votes shall be entered on the journal.

Sec 35. The Legislature may, by general law, confer upon the boards of commissioners of the several counties such powers of a local, legislative and administrative character as they shall from time to time prescribe.

On motion of Mr Larrabee the same was laid upon the table and ordered printed.

Mr Steward from Committee No 2 reported the following article entitled

Executive.

Section 1st. The supreme Executive power shall be vested in a Governor, who shall hold his office for four years, and shall not be eligible to the office for the next succeeding

Sec. 2nd. No person shall be eligible to the office of Governor except a citizen of the United States who shall have attained the age of thirty years, and has been three years next preceding his election an inhabitant of the State.

Sec. 3rd. No member of Congress, or person holding any office under the United States or this State, shall exercise the office of Governor, except as is otherwise provided in this Constitution.

Sec. 4th. The Governor shall be elected by the qualified electors of the State, on the days of the general election at the places where they shall vote for members of the Legislature. The Returns of every election for Governor shall be sealed up and transmitted to the Secretary of State, directed to the Speaker of the House of Representatives who shall immediately upon the organization of the House, and before proceeding to other business open and publish the same, in the presence of a majority of the members of both Houses of the Legislature, who shall for that purpose, assemble in the House of Representatives. The person having the highest number of votes for said office shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office, one of them shall immediately be chosen thereto by the two Houses on joint ballot, and shall be declared duly elected Governor. Contested elections for Governor shall be determined by the two Houses of the Legislature on joint ballot, in such manner as shall be prescribed by law.

Sec. 5th. The Governor shall be Commander in Chief of the military and naval forces of the State. He shall have power to convene the Legislature on extraordinary occasions by proclamation, stating the purposes for which it is assembled. But at such session no business shall be transacted other than that specially named in the proclamation; and in case of invasion or insurrection or danger from the prevalence of contagious disease at the seat of Government, he may convene it at any other place within the State. He shall transact all necessary business with the officers of the government - civil and military. He shall expedite all such measures as shall be resolved upon by the Legislature, and shall see that the laws are faithfully executed.

Sec. 6th. The Governor shall have power to grant reprieves commutations and pardons after conviction for all offences except treason, upon such conditions, and with such restrictions and limitations, as may be provided by law. Upon conviction of any person for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon or commute the sentence, direct its execution or grant a further reprieve. The Governor shall communicate to the Legislature at each regular session, every case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence

and its date, and the date of the commutation, pardon or reprieve, with his reasons for granting the same.

Sec. 7th. In case of the failure to qualify, removal from office, death, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office, for the residue of the term, or until the disability be removed, shall devolve upon the President of the Senate, and if there be no President of the Senate, or if for any of the above named causes he shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives, with like powers, duties and emoluments, for the residue of the term, or until the disability shall be removed.

Sec. 8th. Every bill passed by the Legislature shall, before it becomes a law, be presented to the Governor. If he approve he shall sign it, but if not, he shall return the same with his objections, to the House in which it originated; which House shall enter the objections at large upon its journal, and proceed to reconsider it. If after such reconsideration, two thirds of the members elected to that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall also be reconsidered and, if approved by two thirds of the members elected to that House, it shall become a law. In all such cases the vote of each House shall be determined by ayes and noes, to be entered on their respective journals

If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law, unless the Legislature, by its adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the Secretary of State within ten days after such adjournment, or else become a law.

Sec. 9th. The Governor may require information in writing, from the officers of the Administrative and Military departments of the State upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required. He may also require information in writing at any time, under oath, from all officers and managers of State institutions. The Governor shall, at the commencement of each session, and from time to time, by message, give to the Legislature information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall also send to the Legislature, at the beginning of each session, a statement of all moneys of the State expended by him or under his direction, and at the time present estimates of the amounts of moneys required to be raised by taxation for all State expenditures.

Sec. 10th. The Governor shall receive during his continuance in office an annual compensation of one [illegible] hundred dollars

payable quarterly.

Sec. 11th. The Governor first chosen under this Constitution shall be elected on the Tuesday succeeding the first Monday of November A.D. 1879.

On motion of Mr Steward the article was laid on the table and ordered printed.

Mr Emery from Committee on engrossed articles submitted the following

Report.

Mr President

Your committee on engrossed articles would report that they find the articles on Preamble — Distribution of Powers and the article on Boundaries have been properly engrossed

C. B. Emery.
Ch. Com.

Mr Larrabee moved that the article entitled Preamble be put upon its passage.

Pending this motion the article was, on motion of Mr Larrabee recommitted to Committee No. 3.

Mr Eldridge presented the following

Notice

Mr President. I hereby give notice that I will introduce a resolution tomorrow to change rule 18, so that an artic[illegible]

before its final passage by a two thirds vote.

Mr Dennison moved that the Convention adjourn — lost —

On motion of Mr Lacy the article entitled "Amendments" was read the first and second times and the Convention resolved itself into committee of the whole on said article.

Mr Eldridge in the chair.

After the committee had considered the said article, the committee, on motion of Mr Larabee rose to report progress.

Mr President resumed the chair and the chairman of the committee (Mr Eldridge) submitted the following

Report

Mr President

The committee of the whole to whom was referred the article entitled Amendments have had the same under consideration, and beg leave to report the following amendments.

In the second line after the word Legislature, strike out all down to and including the word submitted in the 3rd line, and insert the following — "and if the same shall be agreed to by two thirds of the members elected to each of the two houses" such proposed amendment or amendments shall be entered on their journals with the ayes and nays taken thereon and be submitted"

In the 3rd and 4th lines strike out the word "people" and insert the words "qualified Electors of the State"

In the 4th line after the word "Election" strike out all down to and including the word "seperately" in line 6 and insert the following:— "and if the people shall approve and ratify such amendment or amendments by a majority of the Electors voting thereon the same shall become part of this Constitution and proclamation thereof shall be made by the Governor, Provided:— That if more than one amendment be submitted they shall be submitted in such manner that the people may vote for or against such amendments seperately"

add two new sections to the article as follows:

Sec. 2. Whenever two thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise, amend or change this constitution, they shall recommend to the Electors to vote at the next Election for representatives for, or against, a convention; and if a majority of all the Electors voting at such Election shall have voted for a convention, the legislature shall at their next session provide by law for calling the same; and such convention shall consist of a number of members not less than that of the most numerous branch of the Legislature.

Sec. 3. Any constitution adopted by such Convention, shall have no vitality until it has been submitted to, and adopted by the people.

(Signed) Edward Eldridge
Chairman

On motion of Mr Gilmore the amendments reported by the Committee of the whole were adopted.
On motion of Mr Henry the article on Amendments as amended was ordered engrossed for its third reading.

On motion of Mr Hannah the article entitled Declaration of Rights was read the first and second times and the Convention resolved itself into Committee of the whole on said article.
Mr Eldridge in the Chair. The committee having been in session until the hour for the noon recess. On motion of Mr Steward the committee rose, and asked leave to sit again. whereupon Mr President resumed the Chair and the chairman of the Committee (Mr Eldridge) submitted the following

Report.

Mr President —
The committee of the whole to whom was referred the article entitled "Declaration of Rights" have had the same under consideration, but have not concluded their work and would therefore ask to be discharged for the present and beg leave to sit again

(Signed) Edward Eldridge
Chairman

On motion of Mr O'Dell the committee was granted leave to sit again.
On motion of Mr O'Dell the Convention took a recess until two o'clock P.M.

Afternoon Session

The convention reassembled at two oclock P.M.
On motion of Mr O'Dell the convention resolved itself into Committee of the whole to resume consideration of the article on Declaration of Rights

Mr Eldridge in the Chair.
The committee having been in session until 5 oclock P.M. On motion of Mr Dennison the Committee rose. Mr President resumed the chair and the chairman of the committee (Mr Eldridge) submitted the following

Report

Mr President

The committee of the whole to whom was referred the article on Declaration of Rights have had the same under consideration but have not concluded their labor and would therefore ask to be discharged for the present with leave to sit again.

(Signed) Edward Eldridge
Chairman

On motion of Mr Andrews the report was adopted.

On motion of Mr Hannah the convention adjourned.

Fourteenth Day

Wednesday June 26th 1878

The convention met at 9 o'clock A.M.
Mr President in the chair.
Roll called and absentees noted as follows: Messrs George and Lacy
Journal of yesterday read and approved.
Mr Steward from committee No. 2 reported two articles of the proposed Constitution entitled respectively "Administrative and Offices" as follows:

Officers

Sec. 1. Every person holding any office under the State or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified but this shall not apply to members of the Legislature, nor to members of any Board or Assembly, two or more of whom are elected at the same time. The Legislature may by law provide for suspending any officer in his functions, pending any proceeding, the effect of which, if convicted, would be removal from office.

Sec. 2. No person shall hold any office or employment of trust or profit under the laws of the State or any ordinance of any municipality therein, without devoting his personal attention to the duties of the same.

Sec. 3. No person who is now or hereafter may become a collector or receiver of [illegible] or the deputy, assistant

of such collector or receiver, who shall have become a defaulter in his office, shall be eligible to, or assume the duties of, any office of trust or profit in this State, under the laws thereof or of any municipality therein.

Sec. 4. No person hereafter convicted of embezzlement of public moneys, bribery, perjury, solicitation of bribery or subornation of perjury, shall be eligible to, or capable of holding, any office of trust or profit in this State.

Sec. 5. The Legislature shall provide by law that the Circuit Court, in the several counties of the State, shall from time to time, at least once a year, require the books and accounts of the County Treasurer and such other county officers as may be designated by law, to be investigated by the grand jury, or such committee not exceeding seven in number, as the Court may for that purpose appoint; who shall report to the Court the condition of the same, and of the public funds in or belonging to such office. The Circuit Court of the county wherein the seat of government may be, shall have the like power to appoint committees to investigate the official accounts and affairs of the State Treasurer and Secretary of State, so far as the duties of Auditor devolves on such Secretary.

Sec. 6. Every civil officer, except members of the Legislature and such inferior officers as may be by law exempted, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to

support the Constitution of the United States and of the State of Washington, and to faithfully perform the duties of the office upon which he shall be about to enter.

Sec. 7. All State officers including Judges of the Supreme and Circuit Courts, and District Attorneys, shall file their oaths or affirmations of office in the office of the Secretary of State. Every other officer, except the officers of municipalities, shall file his oath or affirmation of office in the office of the County Clerk of the county wherein he shall have been elected or appointed.

Sec. 8. The term of office of any officer elected to fill a vacancy shall terminate at the expiration of the term during which the vacancy occurred.

Sec. 9. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel shall hold any office in this State.

Sec. 10. Public officers except Judges of the supreme and circuit Courts, shall not be impeached; but corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offences, and judgment may be given of dismissal from office and such further punishment as may be prescribed by law.

Sec. 11. The compensation of all officers, not otherwise provided for in this

Administrative

Section 1. There shall be chosen by the qualified electors, at the times and places of choosing the members of the Legislature a Secretary of State, Treasurer, and Superintendent of Public Instruction, who shall hold their offices for the term of four years, and receive a salary payable quarterly as follows, to-wit: Secretary of State, $1500; Treasurer, $800; and Superintendent of Public Instruction, $1200, per annum; and said officers shall receive to their own use no other or further compensation, fees or perquisites whatever. They shall, with the exception of the Superintendent of Public Instruction; during their terms of office, reside at the seat of government, where shall be kept the public records, moneys, securities, books and papers of their respective offices.

Sec. 2. The Secretary of State shall keep a fair record of the acts of the Legislature, and of the official acts of the Executive department of the State; and shall, when required, lay the same and all matters relating thereto before either branch of the Legislature. He shall be, by virtue of his office, Auditor of Public Accounts, and shall perform such other duties as shall be assigned him by law.

Sec. 3. There shall be a Seal of the State which shall be kept by the Secretary of State and shall be called the "Great Seal of the State of Washington."

Sec. 4. The powers and duties of the Treasurer and Superintendent of Public Instruction shall be prescribed by law. The Superintendent of Public Instruction shall be, by virtue of his office, State Librarian.

Sec. 5. The Secretary and Treasurer shall be ineligible to a re-election for four years next succeeding the expiration of their respective terms of office.

Sec. 6. There shall be elected at the time of holding the general elections, in each county, a County Clerk, Sheriff, Treasurer, Assessor, Surveyor, and Coroner; who shall severally hold their offices for the term of two years.

Sec. 7. The Legislature may provide for the election or appointment of such other County, Township, precinct, municipal and school officers as public convenience may require; and the terms of their offices shall be as prescribed by law, but shall not in any case exceed two years.

Sec. 8. No person shall be eligible to any county office unless he shall be a qualified elector and have resided in the county one year next preceding his election.

Sec. 9. In case of a vacancy occurring in the office of either the Secretary of State, Treasurer or Superintendent of Public Instruction, the Governor shall fill the same ~~by~~ by appointment, and the person appointed shall hold such office for the remainder
[illegible] And in case of a

vacancy in either of the county, township, precinct municipal or school offices the same shall be filled in such manner as may be provided by law.

On motion of Mr Steward the articles were laid on the table and ordered printed.

Mr Dennison from the special Committee appointed to consider the resolution relative to Alonzo Leland's priviledges as a member of the Convention, submitted the following

Report

Mr President;

Your committee to whom was referred the resolution "That Hon. Alonzo Leland who represents the counties of Idaho, Shoshone and Nez Perce in Idaho Territory is entitled by virtue of his election by the people of those counties to the priviledges of the floor of this Convention, with the priviledge of voting on all questions", having duly considered the same, beg leave to report our conclusions as follows;

We find that the law creating the Convention to frame a Constitution for a State, among other things provides as follows;

"That the counties of Idaho, Shoshone and Nez Perce, in the Territory of Idaho are requested to elect a delegate to said Convention, who shall be a member of said Convention, with the priviledge of the floor, but shall not be [illegible]

We are of the opinion that by said law it was in no wise obligatory on the people of said counties to elect said delegate unless they chose so to do.

That if an act of the Legislative assembly of Washington is of any legal force, the limits to the priv-ilidges of the delegate from Idaho are fixed, and we are of the opinion that the power of this Convention to allow said delegate any further or larger powers than that prescribed by law, to admit of grave doubts, and therefore report the said resolution back to the Convention without any recommendation

(Signed) B. F. Dennison
Edward Eldridge
James V. O'Dell

Mr Henry moved that the report be laid on the table and made the special order for tomorrow at 10 o'clock A. M.

Pending this motion Mr Bradshaw raised the point of order that the resolution and subsequent proceedings thereon were out of order. The President decided the point of order not well taken. Whereupon the ayes and noes were called for on Mr Henry's motion and taken with the following result;

Ayes. — Messrs Eldridge, Emery Gilmore, Henry, Hannah, and Wart — 6

Noes. — Messrs Andrews, Bradshaw, Dennison, Larabee, Lacy, O'Dell, Steward, and Mr President — 8

absent — Mr George — 1

So the motion was lost

The question being on the Resolution offered by Mr Hannah the discussion which followed occupied the time of the Convention until the hour for the noon recess, when, on motion of Mr Larrabee, the Convention took a recess until two oclock P.M.

Afternoon Session

The Convention reassembled at two oclock P.M. and resumed consideration of the unfinished business consisting of the resolution of Mr Hannah, according to Mr Leland, the member from Idaho, the priviledge of voting; the discussion of which consumed the greater part of the afternoon session. The resolution being put to vote the ayes and noes were called for and taken with the following result:
Ayes, — Messrs Henry and Hannah 2
Noes, — Messrs Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, Larrabee, Lacy, O'Dell, Steward, Wait and Mr. President, — 12
absent — Mr George — 1
So the resolution failed to pass.

Mr President presented a communication from Gen J. W. Sprague, General Superintendent of the Oregon Steam Navigation Company, laying before the Convention a copy of Col. John M. Wilson's Report upon the improvement in the Rivers of Washington Territory and requesting the Convention to memorialize Congress relative to the improvement of Snake River and tending an invitation to the Convention to visit said river and make an
ex[illegible]

to furnish transportation to the Convention for such purpose.

On motion of Mr Larabee the communication was received and laid upon the table to give the members of the convention time to consult.

Mr Eldridge offered the following

Resolution

Resolved: That Rule 18th be amended by striking out the words "the unanimous consent" in the eleventh line, and insert in lieu thereof the words, a two thirds vote.

On motion of Mr Bradshaw the resolution was laid upon the table.

Mr Bradshaw moved that the convention go into Committee of the whole on the article entitled "Declaration of Rights" — lost —

On motion of Mr Steward the convention adjourned

Fifteenth Day

Thursday June 27th 1878

The convention met at 9 oclock A. M.
Mr President in the Chair.
Roll called and absentees noted as follows:
Mr George. Journal of yesterday read and approved.

Passing to the order of unfinished business. On motion of Mr O'Dell the Convention took from the table the communication from Gen. J. W. Sprague, General Superintendent of the O. S. N. Co.

Mr O'Dell moved that a committee of three be appointed to draft a memorial to Congress praying for an appropriation for the improvement of Snake River. The motion was carried and the President appointed as such Committee Messrs O'Dell, Henry and Bradshaw.

On motion of Mr Andrews the Convention resolved itself into Committee of the whole on the article entitled "Declaration of Rights"
Mr Eldridge in the chair.
The committee continued in session until the hour for the noon recess when, on motion of Mr Larrabee the Committee rose, Mr President resumed the Chair and the Chairman of the committee (Mr Eldridge) submitted the following

Report

Mr President

The committee of the whole to whom was referred the article entitled Declaration of Rights have had the same under consideration but have not concluded their work

the present with leave to sit again
(Signed)
Edward Eldridge
Chairman

On motion of Mr Eldridge leave was granted the Committee to sit again.

On motion of Mr Hannah the Convention took a recess until two oclock P.M.

Afternoon Session

The convention reassembled at two oclock P.M. and resumed the order of

Unfinished Business

On motion of Mr O'Dell the convention resolved itself into Committee of the whole on the article entitled Declaration of Rights. Mr Eldridge in the Chair. The session of the Committee continued until 5 oclock P.M. when on motion of Mr O'Dell it rose, the President resumed the chair and the Chairman of the committee (Mr Eldridge) submitted the following

Report

Mr President

The committee of the whole to whom was referred the article on Declaration of Rights have had the same under consideration but have not concluded their labors and therefore ask to be discharged for the present with leave to sit again
Edward Eldridge
(Si[illegible]) Ch[illegible]

On motion of Mr Eldridge leave was granted the Committee to sit again.
On motion of Mr Andrews the Convention adjourned.

Sixteenth Day

Friday June 28th 1878

The Convention met at 9 O'clock A.M.
Mr President in the Chair.
Roll called and absentees noted as follows;
Messrs Lacy and Wait,
Journal of yesterday read and approved,
Passing to the order of "Unfinished Business"
The Convention on motion of Mr O'Dell resolved itself into Committee of the whole on the article entitled Declaration of Rights.

Mr Eldridge in the Chair.
The hour of the noon recess arriving, on motion of Mr George the committee rose. Mr President resumed the chair, and the chairman of the Committee (Mr Eldridge) reported that the Committee had not concluded their consideration of the article and asked to be discharged with leave to sit again.
On motion of Mr Eldridge leave was granted the Committee to sit again.
On motion of Mr Eldridge the Convention took a recess until two O'clock P.M.

Afternoon Session

The Convention reassembled at two oclock P.M.

On motion of Mr Steward the convention resolved itself into Committee of the whole on the article entitled

Declaration of Rights

At three oclock P.M. on motion of Mr Andrews the committee rose. Mr President resumed the chair and the Chairman of the Committee (Mr Eldridge) submitted the following

Report

Mr President;

The committee of the whole to whom was referred the article on the Declaration of Rights have had the same under consideration and have instructed me to report the same back to the Convention together with certain proposed amendments and recommend the adoption of the amendments as proposed —

(Signed) Edward Eldridge
Chairman

On motion of Mr George the article together with the amendments reported from the Committee of the whole, was laid on the table.

On motion of Mr. Lacy the article on Declaration of Rights was ordered printed as amended in Committee of the whole.

On motion of Mr Lacy the rules were suspended and the article on

taken from the table, read 1st and 2nd times and further On motion of Mr Lacy the Convention resolved itself into Committee of the whole on said article, Mr Lacy in the Chair.

At 4.30 P.M. On motion of Mr Gilmore the committee rose, Mr President resumed the chair and the Chairman of the Committee (Mr Lacy) submitted the following

Report.

Mr President:

The Committee of the whole to whom was referred the article on Executive have had the same under Consideration and beg leave to report the following amendments and recommend their adoption —

In the 2nd line of Section 2. strike out the word "has" — In line 1 of Sec. 4. after the word "State" Strike out all down to and including the word Legislature in the 2nd line and insert the words — "at the general Election next preceding the expiration of an executive term".

Strike out the word "same" in the 5th line of Section 7. and insert the words — "office of Governor."

After the word Governor in the second line of the 8th Section insert the words — "for his approval."

In the second line of the 10th Section strike out the words — "one thousand five hundred"

In second line of Section 11. strike out the figures "1879."

(Signed) J. P. Lacy
Chairman

On motion of Mr Steward the Report was received and the amendments adopted —

On motion of Mr Bradshaw the article was ordered engrossed for its third reading —

On motion of Mr Lacy the Convention adjourned until two o'clock P.M. tomorrow,

Seventeenth Day
Saturday June 29th 1878

The Convention met at two o'clock P.M. Mr President in the chair Roll called and absentees noted as follows: Messrs Steward and Wait. Journal of yesterday read and approved Mr Dennison offered the following

Separate Articles

At the time of the submission of this Constitution to the Electors of the Territory for their adoption or rejection, there shall be submitted, as seperate articles the following:

Separate Article No 1

No person who is otherwise a qualified Elector, shall be denied the right to vote in this State, on account of Sex, any thing in this Constitution to the contrary notwithstanding.

Separate Article No 2.

No person shall be denied the right, on account of Sex, to vote or hold office in this State nor shall such right be in any manner abridged on

account of Sex.
On the ballot shall be written or printed the following —

"For Separate Article No. 1."
"Against Separate Article No. 2"
&c.

In case a majority of all the votes for and against any separate article, shall be in favor of such article the same shall become a part of the Constitution, and shall be added to the Declaration of Rights.

On motion of Mr Larrabee the Separate Articles were laid on the table and ordered printed.

Proceeding to the order of Unfinished business. On motion of Mr Lacy the article entitled

Legislative

was taken from the table read first and second times and the Convention resolved into Committee of the whole thereon. Mr Steward in the Chair.

At 5 o'clock P.M. on motion of Mr Larrabee the committee Rose. Mr President resumed the chair and the chairman of the Committee (Mr Steward) reported that the Committee had not completed its consideration of the article and therefore asked leave to sit again

On motion of Mr Steward leave was granted.

On motion of Mr. Lacy the Convention adjourned.

Eighteenth Day

Monday July 1. 1878

The Convention met at 9 o'clock A.M.
Mr President in the chair.
Roll called and absentees noted as follows:
Messrs Wait and Lacy.
Journal of Saturday read and approved
Proceeding to the order of

Unfinished Business

On motion of Mr Andrews the convention resolved itself into Committee of the whole on the article entitled

Legislative

Mr Steward in the chair,
At noon the Committee rose, on motion of Mr Dennison.
Mr President resumed the chair and the chairman of the committee (Mr Steward) reported that the committee had not concluded its consideration of the article and asked leave to sit again.
On motion of Mr Steward leave was granted the committee to sit again
On motion of Mr Hannah the Convention took a recess until two o'clock P.M.

Afternoon Session

The convention reassembled at two o'clock P.M.
Roll called and absentees noted as follows: Messrs Hannah and Lacy
The President presented to the Convention a communication from Wm. H. Binder Chairman of the Walla Walla Committee of arrangements on the approaching celebration of the 4th of July inviting the members of the Convention to participate in the festivities of that occasion.

On motion of Mr Gilmore the invitation was accepted.

On motion of Mr O'Dell the convention was resolved into Committee of the whole on the article entitled

Legislative

Mr Steward in the chair. at 4 30 P.M. on motion of Mr O'Dell, the committee rose, the President resumed the chair and the chairman of the committee (Mr Steward) submitted the following:

Report

Mr President

The committee of the whole to whom was referred the article on Legislative have had the same under consideration and beg leave to report the following amendments and recommend their adoption:

In the second line of Section 4, strike out the words "1879 and 1880"

In the first and second lines of Section six, strike out the words "citizen of the United States" and insert the following "qualified Elector, or who has declared his intention to become such". After the word chosen in the 3rd line of the same section strike out all the balance of the section.

In the first line of Section 9 strike out the word four and insert the word "three"

In the 5th line of Section 12 after the words "necessary for" insert the words "a coordinate branch of", also after the word Legislature in the same line strike out the words "of a state of the American Union".

In the 5th line of Section 16 strike out the words "twenty five" and insert the word "thirty"

After the words, "shall not be" in the 3d line of section 17 insert the word "so".

After the word length in the second line of Section 19 insert the words - "as amended" also after the word age in the 8th line of the same section insert the words - "the protection of game or shell fish" also strike out all the section after the word Court in the 15th line.

In the 1st line of Section 31 strike out the words - "personal or"

(Signed) G. W. Steward
Chairman

Mr Steward moved that the report be adopted.

Mr Eldridge moved to amend the motion to adopt so that the amendments proposed by Committee of the Whole may be acted on separately by the Convention, carried -

On motion of Mr Dennison the Convention adjourned.

Nineteenth Day

Tuesday July 2, 1878

The convention met at 9 o'clock A.M.
Mr President in the chair.
Roll called. Members all present.
Prayer by Rev. Mr Eagan.
Journal of yesterday read and approved.

Mr George from Committee No. 2 reported the following article on

Finances.

Sec. 1. The Legislature shall provide for an annual tax, sufficient to defray the estimated expenses for each year and whenever the expenses of any year shall exceed the income, the Legislature shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expense of such ensuing year.

Sec. 2. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax; and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property real & personal.

Sec. 3. All property real and personal shall be subject to taxation except property of the United States; property of the State; property of the several counties; common school property; cemeteries not held or used for private or corporate profit; public libraries; and household property not exceeding two hundred dollars in value. [illegible] all laws [illegible]

from taxation property other than that herein before mentioned, shall be void.

Sec. 4. The Legislature shall not impose taxes for the purpose of any county, city, town or other corporation, but may be law vest in the corporate authorities thereof respectively the power to assess and collect taxes for all purposes of such corporation: but no county, city, town or other municipal corporation, the inhabitants thereof, or the property therein, shall be released or discharged from their or its just share of taxes to be levied for State purposes.

Sec. 5. The power to tax corporations and corporate property shall never be relinquished nor suspended.

Sec. 6. All corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal and other purposes on the real and personal property owned or used by them within the territorial limits of the authority levying the tax.

Sec. 7. No money shall be paid out of the treasury except in pursuance of an appropriation made by law.

Sec. 8. Neither the State, nor any county, city, town, township or school district shall make any donation or grant to, or in aid of, or become a subscriber to, or a share-holder in, any corporation or company, or a joint owner with any person, company or corporation, public or private, in or out of the State:

except as to such ownership as may accrue to the State by escheat or by forfeiture by operation of law, and except as to such ownership as may accrue to the State or to any county city town, township or school district, or to either or any of them jointly with any person, company or corporation by forfeiture or by sale of real estate for non payment of taxes, or by any donation or devise for public use, or by purchase by or on behalf of any or either of them under execution in cases of fines, penalties or forfeiture of recognizance, breach of condition of official bond or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

Sec. 9. Neither the State nor any county, city, town, township or School district shall lend or pledge the credit or faith thereof, directly or indirectly, in any manner to or in aid of any person, company or corporation for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any person, company or corporation in or out of the State.

Sec. 10. The State shall never contract any public debt except in the cases and manner herein after described.

Sec. 11. For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts in the aggregate shall never exceed one hundred thousand dollars; Every such debt shall be authorized by law. For some [illegible]

to be distinctly specified therein; and the vote of a majority of all the members elected to each House, to be taken by the ayes and noes, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt and the principal within ten years from the passage of such law; and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes postponed or diminished, until the principal and interest of such debts shall have been wholly paid.

Sec. 12. No county, city, town township or school district shall contract any debt unless authorized and limited by law; and no scrip, certificate or other evidence of debt whatever shall be issued by them, except in accordance with the provisions of such law.

Sec. 13. No city or town shall contract any debt, by loan in any form, except by means of an ordinance, which shall be irrepealable until the indebtedness therein provided for shall have been fully paid or discharged; specifying the purposes to which the funds to be raised shall be applied and providing for the levy of a tax not exceeding twelve mills on each dollar of valuation of taxable property within such city or town, sufficient to pay the annual interest and extinguish the principal of such debt within fifteen, but not less

than ten years, from the creation thereof; and such tax when collected, shall be applied only to the purposes in such ordinance specified, until the indebtedness shall be paid or discharged. But no such debt shall be created unless the question of incurring the same shall, at a regular election for councilmen, alderman or officers of such city or town be submitted to a vote of such qualified electors thereof as shall, in the year next preceding, have paid a property tax therein; and a majority of those voting in the question, by ballot deposited in a separate box, shall vote in favor of creating such debt; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not, at any time, exceed three per cent of the last valuation of property upon which said tax was paid.

Sec. 14. Nothing contained in this article shall either impair or add to the obligation of any debt heretofore contracted by the Territory of Washington or by any County, city, town, township or School district, in accordance with law.

Sec. 15. The State Treasurer shall keep a seperate account of each fund in his hands and shall at the end of every quarter of the fiscal year, report to the Governor in writing under Oath, the amount of all moneys in his hands to the credit of every such fund, and the place where the same are kept or deposited, and the number and amount of every warrant received, and the number and amount of ever[illegible]

during the quarter. The Governor shall cause every such report to be immediately published in at least one newspaper printed at the seat of government. The Legislature shall at its first session, and may, at any subsequent one, provide by law regulations for the safe-keeping of the public funds, and for bonds to be given by the Treasurer, with sureties.

Sec. 16. The making of profit directly or indirectly, out of the State, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, or any other person, shall be deemed a felony and shall be punished as provided by law.

Sec. 17. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

Sec. 18. There shall be a State Board of Equalization, consisting of the Secretary of State, State Treasurer and   whose duty it shall be to adjust and equalize the valuation of real and personal property among the several counties. Also in each county, a Board of Equalization, consisting of the Board of County Commissioners whose duty it shall be to adjust and equalize the valuation of real and personal property within their respective counties. Each Board shall also perform such other duties as may be prescribed by law, provided, that the Legislature may prescribe the rule by which said equalizations shall be controlled, and may revise [illegible] shall

deem necessary.

Sec. 19. The State shall not assume the debt, or any part thereof, of any county, municipal corporation, or person, unless such debt shall have been contracted to repel invasion, suppress insurrection or to assist the State in the discharge of any portion of its indebtedness.

Sec. 20. The fiscal year shall commence on the first day of
in each year, unless otherwise provided by law.

On motion of Mr O'Dell the article was laid on the table and ordered printed.

Mr Dennison from Committee No 1 reported the following article on

Corporations.

Section 1. All existing charters, or grants of exclusive privilledges, under which the corporators or grantees shall not have organized and commenced business in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

Sec. 2. Corporations may created under general laws, but shall not be created by special act, except for municipal purposes. All general and special laws creating corporations may be altered amended or repealed, in such manner, however, that no injustice shall be done to the corporators.

Sec. 3. All railroads in this State shall be deemed public [illegible] and shall

free to all persons for the transportation of their persons and property under such regulations as may be prescribed by law; and laws shall be passed from time to time, establishing reasonable maximum rates of charges for the transportation of passengers and freights thereon, and to prevent unjust discrimination. No railroad corporation, or the lessees or managers thereof, shall consolidate its stock, property or franchises with any other railroad corporation owning or having under its control, a parallel or competing line. Every railroad shall have the right, with its road, to intersect, connect with or cross any other railroad, the manner of the exercise of which right, however, to be regulated by law.

Sec. 4. No railroad or other transportation company in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation without first filing in the office of the Secretary of State an acceptance of this Constitution.

No right of way shall be appropriated to the use of any private corporation, until full compensation shall be first made to the owner, irrespective of any benefit arising therefrom; which compensation shall be ascertained in such manner as may be provided by law.

Sec. 5. No street railroad shall be constructed within any incorporated city or town without the consent of the local authorities thereof.

Sec. 6. No corporation shall issue stock or bonds except for labor done, services performed, or money or property actually received, dollar for dollar of stock or bonds; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law. The stockholders of all corporations and joint stock companies shall be individually liable for all labor performed for such corporation or company.

Sec. 7. Laws shall be passed regulating the right of foreign corporations to do business in this State, and the mode in which they may sue and be sued.

On motion of Mr Larrabee the article was laid on the table and ordered printed. Proceeding to the order of

Unfinished Business

The Convention resumed consideration of the article entitled

Legislative,

as amended in committee of the whole.

On motion of Mr Larrabee the amendment to strike out the words "1879 and 1880" in the second line of Section 4, was adopted.

On motion of Mr Bradshaw the following was substituted in lieu of Section 6.

"No person shall be a member of the Legislature who shall not be a qualified Elector of the district for which he is chosen and who shall not for at least twelve months next preceding his election

have resided therein; Provided; that any person who at the time of the adoption of this Constitution is a qualified Elector in the County or district for which he shall be chosen, shall be eligible to the first Legislature".

Mr Bradshaw moved to adopt the amendment to strike out the word "four" and insert the word "three" in the first line of Section 9, upon which the ayes and noes were called for and taken with the following result;

Ayes. – Messrs Andrews, Bradshaw, Dennison, Emery, Henry, Hannah, Larrabee, Lacy and Wait – 9

Noes, – Messrs Eldridge, Gilmore, George, O'Dell, Steward and Mr President – 6.

So the motion to amend was carried.

Mr Hannah moved to amend by striking out the words of Washington Territory in line six of Section four. On this motion the ayes and noes were called for and taken with the following result.

Ayes, – Messrs – Andrews, Dennison, Emery, Gilmore, George, Henry, Hannah, Lacy, O'Dell, Wait and Mr President – 11.

Noes – Messrs Bradshaw, Eldridge, Larrabee and Steward – 4.

So the motion to amend prevailed.

Mr Leland moved to strike out of Section 4 the following words, "The first election for members of the Legislature under the State Organization shall be conducted in the manner prescribed by the laws

regulating elections for members of the Legislative Assembly".
Mr O'Dell moved to amend this motion by striking out all the section down to and including the word Assembly in the 7th line. Amendment accepted by Mr Leland.
Mr Larrabee moved to further amend the motion of Mr Leland by inserting after the word Assembly in the 7th line the following words—"Elections for members of the Legislature shall be held biennially"—which amendment was also accepted by Mr Leland, and the motion as amended put to vote of the Convention and carried.

On motion of Mr George Section 7 was stricken from the article.

Mr Eldridge moved to amend Section 2 by striking out of lines 2 and 3 the following words—"not more than one half nor less than one fourth of the number" and insert after the words consist of in the second line the words "One third the" so that the last clause of Section 2 shall read as follows: "The Senate shall consist of one third the number of members of the House of Representatives." Motion carried and Section amended accordingly.
Mr Emery moved to strike out the 9th 10th 11th and 12th lines of Section 8 to wit—
"Representatives shall hold their office for the term of two years. In all elections of Representatives, after such division, each qualified Elector may cast as many [illegible]

as there are Representatives to be elected in the district, or he may distribute the same, or equal parts thereof, among the candidates as he shall see fit, and the candidates highest in votes shall be elected"
Upon this motion the ayes and noes were called for and taken with the following result—
Ayes— Messrs— Bradshaw, Emery George and Lacy — 4
Noes— Messrs Andrus, Dennison Eldridge, Gilmore, Henry, Hannah Larrabee, O'Dell, Steward, Wait, and Mr President — 11
So the motion was lost"

Mr Eldridge moved to insert after the word Elected in the 12th line of Section 8 the following words— "But the Legislature may at any time after the year 1890, adopt the Preferential System in the Election of Representatives, and enact such laws as may be necessary to carry it into effect

On motion of Mr Bradshaw the previous question was called for on the amendment proposed by Mr Eldridge. The question being upon said amendment the ayes and noes were called for and taken with the following result.
Ayes— Messrs; Andrus, Dennison Eldridge, Gilmore, Henry, Hannah Larrabee, Lacy, O'Dell, Wait and Mr President — 11
Noes— Messrs Bradshaw, Emery George and Steward — 4
So the amendment was adopted

On motion of Mr Leland Section 10 was stricken from the article,

On motion of Mr Leland the words "There shall be biennial sessions of the Legislature" were inserted before the first word in Section 11.

Mr Gilmore moved to amend Section 11 by adding the following words, "But after the year 1890 the Legislature may provide for quadrennial sessions" —

On motion of Mr Steward a call of the Convention was had and Mr Lacy noted as absent, whereupon the Sargeant at Arms was dispatched for the absent member, after a time the absent member appeared, the further call of the Convention was dispensed with and the ayes and noes were called on Mr Gilmore's motion to amend and taken with the following result —
Ayes — Messrs Dennison, Gilmore Lacy and Mr President 4

Noes, Messrs Andrews, Bradshaw Eldridge, Emery, George, Henry Hannah, Larrabee, O'Dell, Steward and Vait — 11
So the motion was lost.
The question being on the adoption of the amendment recommended by the Committee of the whole in lines 5 and 6 of Section 12 towit — Strike out the words "of a State of the American Union" and insert after the words "necessary for" the words — "a co-ordinate branch of" the same was put to vote of the

On motion of Mr Bradshaw the rule was suspended and all succeeding amendments to the article recommended by the Committee of the whole were adopted.

On motion of Mr O'Dell the Convention took a recess until 1 30 P.M.

Afternoon Session

The Convention reassembled at 1 30 P.M. Roll called and absentees noted as follows: Mr George.
The President submitted a communication from the Walla Walla and Columbia River Railroad Company tendering the members of the Convention free passes over the road to Wallula and return on the occasion of their proposed visit to Lewiston.

On motion of Mr Larrabee the convention thanked the Company for the favor extended and the President was instructed to notify the Company that the members of the Convention would accept the favor at the close of the session. Proceeding to the order of

Unfinished Business

the convention resumed consideration of the article entitled

Legislative

On motion of Mr Eldridge the article was laid on the table subject to the order of the convention.

On motion of Mr Henry the Convention took from the table the article entitled

Administrative

which was read the first and second times and the Convention resolved into Committee of the whole, thereon.

Mr Henry in the Chair.

At 3 oclock P.M. On motion of Mr Larrabee the Committee rose, the President resumed the chair and the chairman of the Committee (Mr Henry) submitted the following

Report

Mr President:

The Committee of the whole to whom was referred the article entitled Administrative have had the same under consideration and report the following amendments and recommend their adoption;

After the word years in the 3rd line of Section 1 strike all out down to and including the word whatever in the 6th line. Also after the word "shall" in the 6th line of the same section strike out all down to and including the word "Instruction" in the 7th line.

In the first line of Section 5 strike out the words "Secretary and" Also in the 2nd line of the same section strike out the words "their respective terms" and insert the words "his term"

Strike out Section 6 and insert the following substitute.

"In each county there shall be elected for the term of two years, three County Commissioners who shall perform such duties as may be assigned them by law; Any two of whom shall be a quorum for the transaction of business and who shall be elected at the same time as is provided for election of members of the Legislature. There shall also be elected at the same time in each county one county Clerk who shall be Clerk of the Board of County Commissioners and ex-officio Recorder of Deeds; One Sheriff; One Coroner One Treasurer; who shall be ex-officio collector of taxes, One County Superintendent of Schools; One county Surveyor and one county assessor; who shall severally hold their offices for the term of two years. Strike out the word "Township" in the 1st and 2nd lines of Section 7, also the words "but shall not in any case exceed two years" in the 3rd line.

After Section 7 insert the following new section:

Section 8.

The Legislature shall by law classify the several counties according to population and shall grade the compensation of the officers within the respective classes according to population; such law shall establish scales of fees to be charged and collected by such of the county and precinct officers as may be designated therein, for services to be performed by them respectively, and where salaries are provided, the same shall be payable only out of the fees actually collected in all cases where [illegible] are prescribed. All fees hereinaft[illegible]

or emoluments, above the amount of such salaries, shall be paid into the County Treasury.

Add to Section 8 of the printed article the following words — "Except as otherwise provided in this Constitution" Strike out the word "Township" in the 4th line of Section 9 of the printed article.

{Signed} Francis Henry
Chairman

On motion of Mr Lacy the report of the Committee of the whole was adopted and the article ordered engrossed, as amended, for third reading.

On motion of Mr Larrabee the Convention took from the table the article entitled

Officers

which was read the first and second times and the convention resolved into committee of the whole thereon Mr Eldridge in the chair.

At 5 oclock P.M. on motion of Mr Lacy the Committee rose, Mr President resumed the chair and the Chairman of the Committee {Mr Eldridge} reported that the Committee had not concluded its consideration of the article entitled Officers and asked to be discharged with leave to sit again. On motion of Mr Lacy such leave was granted.

On motion of Mr Andrews the Convention adjourned.

Twentieth Day

Wednesday July 3, 1878

The Convention met at 9 oclock A.M.
Mr President in the chair.
Roll called and absentees noted as follows: Mr Hannah on sick leave
Prayer by Rev. Mr Boyd
Journal of yesterday read, corrected and approved.

Mr Dennison from Committee No 1 reported the following article entitled

Judiciary.

Section 1. The Court for the trial of impeachments shall be composed
1 of the Senate. The House of Representatives shall have the power of impeaching all civil officers of the State for corrupt conduct in office, or for crimes and misdemeanors but a majority of all the members elected shall concur in an impeachment On a trial of an impeachment against the Governor, the Chief Justice of the Supreme Court shall preside. No judicial officer shall exercise his office after he shall be impeached until his acquittal Before the trial of an impeachment the members of the Court shall take an oath or affirmation truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two thirds of the members elected, Judgment in cases of impeachment shall not extend further than removal from office, or removal from office and disqualification to hold any office of honor, profit or trust under the State; but the part [illegible]

shall be liable to prosecution, trial and punishment according to law.

Sec. 2. The judicial power of the State both as to matters of law and equity, shall be vested in a Supreme Court, Circuit Courts, Probate Courts, Justices of the Peace and such municipal and other inferior Courts as may be provided by law.

Sec. 3. ~~The~~ Supreme Court except in cases otherwise provided in this Constitution, shall have appellate jurisdiction in all chancery causes, and jurisdiction in all actions at law, civil and criminal, upon writs of error, which shall be co-extensive with the State; but in no case, removed to the Supreme Court shall a trial by jury be allowed, The Supreme Court shall have a general Superintending Control over all inferior Courts; it shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari and other original and remedial writs, and to hear and determine the same.

Sec. 4. For the term of four years, and thereafter, until the Legislature shall otherwise provide the Judges of the several Circuit Courts shall be ex officio Judges of the Supreme Court, a majority of whom shall constitute a quorum, and a concurrence of a majority of the Judges present shall be necessary to a decision; provided, that in the event the Court shall be equally divided in opinion, the
[illegible]

and if upon re-argument the Court shall again be equally divided in opinion, the judgment below shall be affirmed. The Legislature shall have power after the expiration of said term, to provide by law for the organization of a separate Supreme Court, with the jurisdiction and powers prescribed in this Constitution; to consist of one Chief Justice and two Associate Justices to be appointed by the Governor by and with the advice and consent of the Senate. The separate Supreme Court, when so organized, shall not be changed or discontinued by the Legislature; The Judges thereof shall be so classified that but one of them shall go out of office at the same time, and their term of office shall be the same as is provided for Judges of the Circuit Court.

Sec. 5. The State shall be divided into three Judicial circuits, to be composed as follows: The first circuit shall compriso the counties of Columbia, Stevens, Walla Walla, Whitman and Yakima. The second circuit shall compriso the counties of Chehalis, Clarke, Cowlitz, Klickitat, Lewis, Mason, Pacific, Skamania, Thurston and Wakiakum. The third circuit shall comprise the counties of Clallam, Island, Jefferson, King, Kitsap, Pierce, San Juan, Snohomish and Whatcom.

Sec. 6. The Legislature may alter the limits, or increase the number, of circuits, making them as convenient and compact as practicable, and bounding them by county lines; but

no such alteration or increase shall have the effect to remove a Judge from office. In case of an increase of circuits, the Judge or judges shall be elected as provided in this Constitution and receive a salary not less than that herein provided for Judges of the Circuit Court.

Sec. 7. For each circuit there shall be a Judge chosen by the qualified electors therein, who shall hold his office as is provided in this Constitution. one of the Judges shall be designated as chief Justice, by the Governor of the State, by and with the advice and consent of the Senate. The Judges first chosen under this Constitution, shall be elected at the first general election, provided herein for the election of members of the Legislature; and shall hold their offices for the term of four years. The Legislature shall, at its first session provide by law as well for the election of as for classifying the Judges to be thereafter elected, in such manner that one of said Judges shall go out of office in two years, one in four years and one in six years, and thereafter the Judge elected to fill the office shall hold the same for six years.

Sec. 8. In all causes submitted in the Supreme Court, and in all cases tried by the circuit courts without a jury, the judgment or decree shall be rendered at the same term at which the causes are submitted.

Sec. 9. The Circuit Court shall have original jurisdiction in all matters civil and criminal within this State not excepted in this Constitution, and not hereafter prohibited by law; and appellate jurisdiction from all inferior Courts and tribunals; and a supervisory control over the same. They shall also have power to issue writs of habeas corpus, mandamus, prohibition, injunction, certiorari and other original and remedial writs necessary to carry into effect their Judgments and decrees, and give them a general control over inferior courts, officers and jurisdiction. Remedies at law must be administered separately from those in equity.

Sec. 10. There shall be a Clerk of the Supreme Court, appointed by the Judges thereof, who shall hold his Office during the pleasure of the said Judges, and his compensation shall be provided by law.

Sec. 11. There shall be a Clerk of the circuit Court in each county organized for judicial purposes who shall be appointed by the Judge of the circuit, and who shall hold his office during the pleasure of said Judge his compensation shall be provided by law.

Sec. 12. When a vacancy shall happen in the office of Judge of the separate Supreme Court, such vacancy shall be filled by appointment by the Governor which

appointment shall hold good until a successor is appointed by and with the advice and consent of the Senate, which successor shall hold his office for the remainder of the unexpired term.

Sec. 13. When a vacancy shall occur in the office of Judge of the Circuit Court or of any inferior Court or judicial tribunal, such vacancy shall be filled by an appointment by the Governor, and the appointee shall hold for the remainder of the unexpired term.

Sec. 14. Each of the Judges of the Supreme and Circuit Court shall receive a salary payable quarterly of ——— dollars; they shall receive no fees of office, or other compensation than their salaries; they shall not be eligible to any office of public trust except a judicial office, during the term for which they are respectively elected; and all votes for either of them for any office except a judicial one, given by the Legislature or by the people, shall be void. Every Judge shall, before taking his office, subscribe and file with the Secretary of State a written pledge that he will not, during the term for which he was elected, accept any office of profit or trust, except a judicial office, under the government of the United States, or under any other State of the Union, or under any foreign power. No person shall be eligible to the office of Judge who shall not, at the time of his election, be a citizen of the United States, have attained the age of [illegible]

qualified elector within the jurisdiction for which he may be chosen.

Sec. 15. The Supreme Court shall hold at least one term annually, at the seat of government of the State, at such time as shall be provided by law; and the Legislature may provide for holding other terms, and at other places, when they may deem it necessary. A Circuit Court shall be held at least twice in each year in each county in this State, organized for judicial purposes. The Judges of the Circuit Courts may hold Courts for each other, and shall do so when required by law.

Sec. 16. The electors of the several precincts, at the time appointed for the election of County Commissioners, and the electors of cities and towns, at their charter elections, shall in such manner as the Legislature may direct, elect Justices of the Peace, whose term of office shall be for two years; they shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any case wherein the value of the property or the amount in controversy exceeds the sum of one hundred dollars, nor where the boundaries or title to real estate may be called in question. The Supreme and Circuit Courts shall be courts of Record and of general jurisdiction. All inferior courts shall be courts of special and limited
[illegible] and not [illegible]

Sec 17. The style of all writs and processes shall be "The people of the State of Washington." all criminal prosecutions shall be carried on in the name, and by the authority of the State.

Sec. 18. The Legislature shall provide for the speedy publication of all laws, and of the decisions of the Supreme Court.

Sec. 19. Until the Legislature shall provide by law for fixing the terms of Courts, the Judges of the Supreme and Circuit Courts respectively shall fix the terms thereof.

Sec. 20. There shall be elected by the qualified electors of each judicial circuit, at each general election for members of the Legislature, a prosecuting attorney for such circuit, whose term of office shall be two years, and whose duties and compensation shall be as provided by law. No person shall be eligible to the office of Prosecuting Attorney who shall not, at the time of his election, be a qualified elector in the circuit for which he is elected, and shall have practiced as attorney of a court of record for at least five years.

Sec. 21. All officers provided for by this article, except Judges of the seperate Supreme Court, shall respectively reside in the Circuit county, precinct, city or town for which they may be elected or appointed. In case of vacancy in the office of prosecuting, the Governor shall fill the vacancy by [illegible]

and the person appointed shall hold his office for the remainder of the term.

Sec. 22. There shall be a Probate Court in each county, which shall have such jurisdiction in matters relating to the estates of deceased persons, and to the persons and Estates of minors and persons of unsound mind, as may be prescribed by law. This Court shall consist of one Judge who shall be chosen by the qualified electors of the county, and shall hold his office for the term of four years. He shall hold courts at such times and receive such compensation, as may be provided by law.

On motion of Mr Steward the article was laid on the table and ordered printed.

Mr ODell submitted the following

Resolutions

Whereas

The citizens of the town of Colfax have signified their willingness to furnish to the members of the Convention transportation from Almota to Colfax free of charge on their proposed visit to Lewiston, therefore

Resolved

That the proposition of the citizens of Colfax be accepted by the Convention

Resolved;

That the President be instructed to signify to the citizens of Colfax the acceptance of their invitation by the Convention

Resolved: That the

thanks of the Convention be tendered to the citizens of Colfax for their hospitable invitation to visit that place.

On motion of Mr O'Dell the resolutions were adopted.

Proceeding to the order of

Unfinished Business

On motion of Mr O'Dell the convention was resolved into Committee of the whole on the article entitled

<u>Officers</u>

Mr Eldridge in the Chair.

At 11 oclock and 30 minutes A.M. On motion of Mr Larrabee the committee rose. Mr President resumed the chair and the chairman of the committee (Mr Eldridge) submitted the following

<u>Report</u>

Mr President:

The committee of the whole to whom was referred the article entitled <u>Officers</u> have had the same under consideration and report the following amendments and recommend their adoption:

Strike out the 3rd section of the article

In the first and second lines of Section 4 of the printed article strike out the words - "bribery, perjury, solicitation of bribery or subordination of perjury" and add to the section the following words - "Unless restored to the right of citizenship by a pardon from the Governor".

Strike out section 5 of the printed article.

In the 1st and 2nd lines of section 6 of the printed art[illegible] strike out

the words- "except members of the Legislature and such inferior officers as may be by law exempted" also the words "and subscribe" in the 2nd line.

In section 7 of the printed article strike out the words "all and including" in the first line, and insert after the word municipalities in the 3rd line the words- "and school district officers"

Substitute the following new section for section 8 of the printed article.

Every person appointed to fill a vacancy in any Elective office shall hold for the remainder of the unexpired term, unless a general election shall intervene; in which case his successor shall be elected and shall hold for the remainder of the term.

In section 10 of the printed article, insert after the word "except", in the first line, the words "Governor and" in the second line, strike out the words "or delinquency", and insert the words- "misfesance or nonfesance" Strike out the word "may"- in the 2nd line and insert the word "shall". Also after the word "be" in the 2nd line, insert the words- "prosecuted and".

Strike out the word "may" in the 3rd line and insert the words- "upon conviction shall", also in the same line strike out the word "and" after the word "office" and insert the words- "in addition to"- also in the 4th line after the word prescribed insert the word "therefor"

Add the following new section-

"No person being a member of Congress, or holding a commission to any civil or military office under the United States, except Post Masters of the 4th class shall be eligible to any office under this State; and if any person shall after his election to any office, be appointed to any office, civil or military under the government of the United States, or of any state or Territory, his acceptance thereof shall vacate his office"

Also add the following new section, "No county officer having the charge or custody of any public moneys belonging to such County shall hold the office of a member of the State Legislature until he shall have accounted for and paid over all of such moneys".

Respectfully Submitted
(Signed) Edward Eldridge
Chairman

On motion of Mr Larrabee the report of the committee of the whole was adopted, and the article ordered engrossed for its third reading.

On motion of Mr Steward the Convention adjourned until Friday the 5th instant at 10 oclock A.M.

Twenty-first Day

Friday July 5th 1878

The Convention met at 9 oclock A.M.

Mr President in the chair.

Roll called and Messrs Lacy and Steward noted as absent.

Journal of Wednesday read and approved.

On motion of Mr George the article entitled

Judiciary

was taken from the table read the first and second times and the convention resolved into committee of the whole thereon

Mr. Eldridge in the chair,

At 12 oclock M on motion of Mr Andrews the Committee rose

Mr President resumed the chair and the chairman of the Committee (Mr Eldridge) reported that the Committee had not concluded its consideration of the article and asked leave to sit again whereupon, on motion of Mr Lacy such leave was granted and further, on motion of Mr Lacy the Convention took a recess until 1 30 P.M.

Afternoon Session

The convention reassembled at 1 30 P.M.

Absent Messrs Henry and Lacy.

On motion of Mr O'Dell the convention was resolved into Committee of the whole on the article entitled Judiciary.

Mr Eldridge in the chair.

At 5 oclock P.M. on motion of Mr O'Dell, the Committee rose, Mr President resumed the chair and the chairman of the Committee Mr Eldridge reported that the Committee had not concluded its consideration of the article and asked leave to sit again.
On motion of Mr Andrews such leave was granted.
On motion of Mr Lacy the convention adjourned.

Twenty Second Day.
Saturday July 6th. 1878.

The Convention met at 9 oclock A.M.
Mr President in the chair
Roll called and absentees noted as follows
Mr Hannah absent on sick leave.

Prayer by Rev. Mr. Shaffer
Journal of yesterday read and approved
Proceeding to the order of unfinished business. On motion of Mr O'Dell the convention was resolved into Committee of the whole for the further consideration of the article entitled
Judiciary
Mr Eldridge in the chair
After being in session until 12 oclock M. the committee on motion of Mr Larabee rose.
Mr President resumed the chair and the chairman of the committee (Mr Eldridge) reported that the Committee had not concluded its labors and asked leave to sit again.
On motion of Mr Andrews leave was granted
On motion of Mr Steward the Convention took a ... 1.30 P.M.

Afternoon Session,

The convention reassembled at 1½ P.M
Roll called: absent: Messrs Lacy & Wait
On motion of Mr Eldridge the convention was resolved into committee of the whole on the article entitled

Judiciary

Mr Eldridge in the Chair.
At 3 o'clock P.M. on motion of Mr Henry the committee rose, Mr President resumed the chair and the chairman of the committee (Mr Eldridge) submitted the following:

Report:

Mr President

The committee of the whole to whom was referred the article on the judiciary report that they have considered the same and recommend the adoption of the following amendments

Strike out ~~all~~ after the word "State" in the 10th line of Sec 1. and insert the following: "But this shall not prevent the officer from being prosecuted tried and punished in the courts according to law.

Insert after the word "courts" in the 5th line of section 3 the following: "under such regulations and limitations as may be prescribed by law"

In the 2nd line of section 5 strike out the words "the counties of Columbia, Stevens, Walla Walla, Whitman, and Yakima" and insert the following: "all that portion of the State lying east of the summit of the Cascades Mountains except the County of Klickitat"

In the 8th line of Section 7 strike strike out the word "one" after the words "years and" and insert the following — "the remaining judge or judges" after the word judge in the same line and insert the words "or judges"

After the words "shall be" in the 2nd line of Section 10 insert the words — "such fees as may be" —

In the 1st and 2nd lines of Section 11 strike out the words — "organized for judicial purposes" and insert the following — "where such courts are authorized to be held."

After the words "shall be" in the 3rd line of Section 11 insert the following: "such fees as may be"

Strike out the word "happen" in the 1st line of Section 12 and insert the word — "occur" —

In the 1st and 2nd line of Sec, 13 strike out the words — "or of any inferior court or judicial tribunal"

After the word "Elected" in the 7th line of Section 14 insert the words — "or appointment"

After the word necessary in the 3rd line of Section 15 strike out the following words — "a circuit court shall be held at least twice in each year in each county in this state, organized for judicial purposes" and insert the following: "The Circuit Courts shall hold terms at such times and places, as now are or may be prescribed by law".

After the word hold in the 5th line of Section 15 strike out the word "Courts" and insert the word "terms". After the word "Commissioners" in the second line ...

out the words – "and the Electors of cities and towns, at their Charter Elections"

Strike out section 19.

Strike out the word "Prosecuting" in the second line of Section 20 and insert the word "Circuit"

In the 2nd line of section 21 strike out the words "or town" and insert the word "or" before the word "city"

Strike out ~~after~~ the word appointed in the 3rd line of Section 21, the following words – "In case of vacancy in the office of prosecuting attorney, the governor shall fill the vacancy by appointment, and the person appointed shall hold his office for the remainder of the term"

Strike out the word "Probate" in the 1st line of section 22 and insert the word "County"

In the 4th line of Section 22 strike out the word "four" and insert the word "two" also add to the section the following – "The Legislature shall have power to confer upon said court limited civil and criminal jurisdiction, concurrent with the circuit court"

Respectfully Submitted

(Signed) Edward Eldridge
Chairman

On motion of Mr Steward the report was adopted.

On motion of Mr Bradshaw the article was laid on the table subject to the order of the convention.

On motion of Mr Larrabee the convention resumed consideration of the article entitled "Declaration of Rights"

On motion of Mr Eldridge the convention proceeded to consider the article section by section.

Mr George moved to amend section 6 by adding the following words— "except as in this constitution is provided" motion withdrawn

On motion of Mr Dennison the word "legally" was stricken from the 1st line of Section 6.

On motion of Mr Larrabee the word "abolished" was inserted after the word "regulate" in the 13th line of Section 8.

Mr George moved to insert the word "it" after the word require in the 7th line of Section 8, lost.

Mr Bradshaw moved to strike out the words "two thirds" in the 9th line of Section 8 and insert the words — "three fourths" carried.

On motion of Mr Emery the word "such" in the 10th line of Section 8 was stricken out and the word "civil" inserted.

On motion of Mr Dennison the word "is" in the 1st line of Section 9 was struck out and the words "shall be", inserted

On motion of Mr Larrabee the words "and speedy" [illegible]

first line of section 9.

Mr George moved to amend Section 12 by adding the words—"except in cases of fraud or absconding debtors".

Mr Eldridge raised the question of order that the article had been considered in committee of the whole and the report of the Committee was still before the Convention as unfinished business, and therefore all amendments were out of order until the report was disposed of. The President decided the point of order well taken—whereupon, on motion of Mr Eldridge the amendments heretofore reported by the Committee of the whole and also all the amendments made at this time in convention up to and including Sec. 12. were adopted.

Mr Bradshaw moved to amend section 12 by inserting in the 1st line after the word "debt" the following words,—

"Unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases of tort & where there is strong presumption of fraud"

On motion of Mr Lacy the convention adjourned.

Twenty third Day
Monday July 8th 1878

The Convention assembled at 9 oclock A.M. Mr President in the chair, Roll called and absentees noted as follows Messrs Henry and Lacy
Mr Henry absent on sick leave
Journals of Saturday read corrected and approved.
Mr Leland from Committee No 3 reported the following substitute for the article entitled

Preamble

We the people grateful to the Supreme Ruler of the Universe for our freedom in order to secure and perpetuate its blessings; form a more independent and perfect government; establish justice insure tranquility, provide for the common defense and promote the general welfare do ordain and establish this Constitution for the State of Washington.

On motion of Mr Larrabee the substitude was laid on the table.
Mr Emery from the committee on Engrossed Articles submitted the following

Report

Mr President

Your Committee on Engrossed Articles would report that they find the articles entitled Amendments, Officers, Administratives and Executive have been properly engrossed

(Signed) W. B. Emery
Ch. Com—

Proceeding to the order of

Unfinished Business

the convention resumed consideration of the Declaration of Rights, the question being on Mr Bradshaw's motion to amend [illegible]

all the section after the word debt in the first line and insert the following: "Unless upon refusal to deliver up his estate for the benefit of his creditors in such manner as shall be prescribed by law, or in cases of tort or where there is strong presumption of fraud."

Mr Dennison moved to amend the amendment by inserting the word "Evidence" instead of "presumption" - Amendment accepted.

Mr Eldridge called for a division of the question to strike out and insert.

The question first being on the motion to strike out all after the word debt in the 1st line of said section, the same was put to vote of the convention and carried.

Mr Dennison moved to amend the amendment of Mr Bradshaw by adding thereto the words - "in contracting the debt."

On motion of Mr O'Dell a call of the convention was had and Mr Lacy noted as absent, whereupon the Sargeant at Arms was dispatched for the absent member and after a few minutes brought him in, when

On motion of Mr Hannah the call was dispensed with.

The Ayes and Noes being called for on Mr Dennison's motion to amend the amendment the roll was called with the following Result,

Ayes — Messrs Andrews, Dennison, Eldridge, Gilmore, Hannah, O'Dell, Steward, Wait and Mr President 9
Noes — Messrs Bradshaw, Emery, George, Larrabee & Lacy — 5
absent — Mr Henry — 1
So the motion prevailed —

Mr George moved that the following be substituted for section 12,
"No person shall be imprisoned for debt except in case of fraud in contracting the debt or of absconding debtors, having means legally applicable to the payment of such debt or some part thereof."
On this motion the ayes and noes were called for and taken with the following result —
Ayes — Messrs Andrews, Bradshaw, Dennison, Emery, Gilmore, George, Larrabee, Steward, Wait and Mr President — 10
Noes — Messrs Eldridge, Hannah, Lacy & O'Dell — 4
absent Mr Henry — 1
So the motion prevailed —

Mr Bradshaw moved that Section 12 as amended be adopted. The ayes and noes were called for on this motion and taken with the following result —
Ayes — Messrs — Andrews, Bradshaw, Dennison, Emery, Gilmore, George, Larrabee, Steward, Wait & Mr President 10
Noes — Messrs Eldridge, Hannah, Lacy & O'Dell — 4
absent Mr Henry — 1
So the section was adopted as amended.

On motion of Mr Eldridge the amendments proposed by committee of 15, [illegible]

On motion of Mr Eldridge the amendment proposed by the Committee of the whole to strike out section 15 of the original article was adopted.

On motion of Mr Bradshaw Mr Lacy was granted leave of absence until 1 oclock and 30 minutes P.M.

Mr George moved to amend Section 14 as reported by the Committee of the whole by striking out the words—"or retrospective in its operations" carried.

On motion of Mr Bradshaw Section 15 of the article as amended in committee of the whole was amended by striking out the following words—"Such compensation shall be ascertained by a board of Commissioners of not less than three freeholders, or by a jury, when required by the owner of the property, in such manner as may be prescribed by law, and until the same shall be paid to the owner, or into Court for the owner, the property shall not be disturbed, nor the proprietary rights of the owner therein divested; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public, shall be a judicial question and be determined as such without regard to any Legislative assertion that the use is public."

On motion of Mr Andrews the section was further amended by striking out the following words—

"In ascertaining the value of the property taken, or the damage resulting, no deduction shall be made for benefits resulting which are enjoyed in common with the rest of the Community."

Mr George moved to further amend the Section by striking from the first line the words, "or private" On this motion the ayes and noes were called for and taken with the following result—

Ayes – Messrs Emery, George, Larrabee Odell & Steward 5

Noes – Messrs Andrews, Bradshaw, Dennison, Eldridge, Gilmore, Hannah, Wait and Mr President 8

absent – Messrs Henry & Lacy 2

So the motion was lost

The amendment recommended by the committee of the whole to Section 17 of the original article towit; "and no persons particular services shall be demanded without just compensation therefor" was on motion of Mr ODell adopted

On motion of Mr Bradshaw the vote on Mr George's motion to strike out the words "or private" from the 1st line of Section 15 was reconsidered.

The question being again upon Mr George's motion to strike out, the same was put to vote and carried.

Mr Bradshaw moved to amend the proposed amendment of the committee of the whole by striking from Section 16 as reported by the committee the words, " to instra

Th...

On motion of Mr Larrabee section 16 as reported by the committee of the Whole was adopted as amended.

On motion of Mr Steward Section 17. as reported by the committee of the whole was adopted,

On motion of Mr Eldridge the amendment proposed by the committee of the whole striking out section 21. was adopted

Section 19 as reported by the committee of the whole was on motion of Mr Wannah adopted –

Section 20 as reported by the Committee of the whole was also on motion of Mr Hannah adopted –

Section 22 as reported by the committee of the whole was on motion of Mr George adopted;

Section 23 as reported by the committee of the whole was on motion of Mr Bradshaw adopted

Sections 24 and 25 as reported by the Committee of the whole were on motion of Mr Hannah adopted.

Proceeding to section 26 as reported by the committee of the whole Mr Gilmore moved to strike out the words "One fourth" in 2nd line and insert "one half" lost.

On motion of Mr Bradshaw the word "religious" was stricken from the first line of the section.

Mr Eldridge moved to amend the section by adding the words— "But whenever the decedent leaves any widow child or children, such devise or bequest shall not exceed the proportional part, such widow child or children shall each inherit"

On motion of Mr Larrabee the amendments to section 26 were laid on the table.

On motion of Mr O'Dell the convention took a recess until 1 30 P.M.

Afternoon Session

The recess having expired the Convention reassembled and absentees noted as follows— Messrs Gilmore, Lacy & Steward.

Resuming the unfinished business consisting of the article entitled

Declaration of Rights—

Mr Dennison moved the adoption of the following new section—

The right to hold any of the following offices in this state shall not be denied to any person on account of Sex; any thing in this Constitution to the contrary notwithstanding, that is to say—

Office of Notary Public
Office of Commissioner of Deeds
Office of County Clerk
Office of Treasurer of any county, City, Town or district
Office of Clerk in the Legislative, Judicial or Executive Department
Office in any institution of learning

[illegible]

dumb persons.
Office of Superintendent of Public instruction.
Office of County School Superintendent
School Director or School District Clerk.

Mr Larrabee moved to amend the sixth clause of the proposed section by striking out the word "Judicial"
On this motion the ayes and noes were called for and taken with the following result.
Ayes — Messrs Andrews, Bradshaw Emery, Hannah, Larrabee, Lacy, O'Dell & Mr President — 8
Noes — Messrs Dennison, Eldridge Gilmore, George, Steward & Wait 6
Absent Mr Henry — 1
So the motion prevailed.

Mr Larrabee moved to strike out the words "Superintendent of Public Instruction" in the 8th clause of the proposed section. On this motion the ayes and noes were called for and taken with the following result.
Ayes — Messrs Andrews, Bradshaw, Emery, Hannah, Larrabee, O'Dell and Wait — 7
Noes — Messrs Dennison, Eldridge Gilmore, George, Lacy, Steward and Mr President 7
Absent Mr Henry — 1
So the motion to amend was lost.

Mr Bradshaw moved to strike out of the proposed new section the words "office of County Clerk and office of Treasurer of any County, City, Town or district"
On this motion the ayes and noes were called for and taken with the following result.

Ayes – Messrs: Andrus, Bradshaw, Emery, Hannah & O'Dell — 5
Noes – Messrs: Dennison, Eldridge, Gilmore, George, Larrabee, Lacy, Steward, Wait and Mr President — 9
Absent – Mr Henry — 1
So the motion was lost.

The question being on the adoption of the proposed new section the ayes and noes were called with the following result,
Ayes – Messrs: Dennison, Eldridge, Gilmore, George, Steward, Wait and Mr President — 7
Noes Messrs: Andrus, Bradshaw, Emery, Hannah, Larrabee, Lacy and O'Dell — 7
Absent: Mr Henry — 1
So the section was rejected –
Mr O'Dell moved to reconsider the last vote
Mr Bradshaw moved to lay the motion to reconsider on the table. lost – whereupon Mr O'Dell by consent withdrew his motion.

On motion of Mr Larrabee the vote by which section four of the article was adopted was reconsidered, whereupon Mr Larrabee moved as a substitute for section 4 the following –
" All persons have a natural and indefeasable right to worship God according to the dictates of their own conscience, No person shall be compelled to attend, erect, or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the right of Conscience be permitted, No religious test shall be re[illegible]

office, nor shall any person be incompetent to be a witness on account of his opinions on matters of Religion; but nothing herein shall be construed to dispense with Oaths and affirmations But the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or practices inconsistent with the peace or safety of the State. No money shall be drawn from the treasury for the benefit of religious societies or religious or theological Seminaries.

On motion of Mr Dennison the last clause of the proposed substitute was struck out, whereupon the substitute was put to vote and adopted.

On motion of Mr Eldridge the amendment recommended by the Committee of the whole, striking out Section 27 from the original article, was adopted.

On motion of Mr George Section 26 with amendments was taken from the table.

Mr Leland moved that section 26 as amended in Committee of the whole be adopted. Lost.
On motion of Mr Larrabee the article was ordered engrossed for third reading.
On motion of Mr Larrabee the article on Judiciary was taken from the table.
Mr Larrabee moved to amend section 22 of the printed article by striking out the following words

"The Legislature shall have power to confer upon said court limited civil and criminal jurisdiction concurrent with the Circuit Court and insert the following—
The Legislature shall have power to vest in any county court, civil jurisdiction concurrent with the Circuit Courts and Justices Courts in actions at law where the amount in controversy shall not exceed in value the sum of $500.00 and concurrent jurisdiction in all cases of misdemeanor.

Mr George moved the following substitute for section 22—
"There shall be a County Court in each County which shall have such jurisdiction in all matters relating to the estate of deceased persons and the persons and estates of minors and persons of unsound mind and such jurisdiction in connection with the County Commissioners in relation to county business as may be prescribed by law."

On motion of Mr Bradshaw all that part of the substitute after the words "persons of unsound mind" was struck out.

Mr Larrabee moved to add to the substitute the following amendment, to wit:
"Provided however; that the Legislature shall have power to abolish the office of Judge of Probate in any county and to confer Probate powers upon such inferior courts as may be est[illegible]"

On this motion the ayes and noes were called for and taken with the following result:
Ayes: Messrs Andrews, Larrabee, O'Dell, Steward and Mr President. 5

Noes: Messrs Bradshaw, Dennison Eldridge, Emery, Gilmore, George, Lacy and Wait — 8

Absent — Mr Henry — 1
So the motion was lost.

Mr George moved to strike out the last words of the proposed substitute as follows — "as may be prescribed by law." lost.

On motion of Mr George the word "County" was struck from the 1st line of the substitute and the word "Probate" inserted

On motion of Mr Larrabee the amended substitute was further amended by adding thereto the following words:
" This Court shall consist of one Judge who shall be chosen by the qualified electors of the County and shall hold his office for the term of two years. He shall hold courts at such times and receive such compensation as may be provided by law"

Mr George moved to insert the words — "is now or" after the word "as" in the proposed substitute. lost.
The question being on the adoption of the substitute as amended ~~the~~ ayes and noes were called with

the following result—

Ayes— Messrs Andrews, Bradshaw Dennison, Eldridge, Emery, Gilmore, George, Hannah, Larrabee, Lacy O'Dell, Wait and Mr President 13

Noes— Mr Steward — 1

Absent Mr Henry — 1

So the amended substitute for section 22 was adopted—

Mr Lacy moved to amend Section 14 of the article by striking out all that part from the word "salaries" in the 3rd line to and including the word "power" in the 9th line.

On this motion the ayes and noes were called for and taken with the following result;

Ayes— Messrs Andrews, Emery, George, Lacy and Mr President 5

Noes Messrs Bradshaw, Dennison Eldridge, Gilmore, Hannah, Larrabee, O'Dell, Steward and Wait — 9

Absent— Mr Henry 1

So the motion was lost

Mr Larrabee moved to amend Section 2 by striking out all after the words "Justices of the Peace" and insert the following:—

The Legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts and shall have power to establish inferior courts in the several counties with [illegible] civil and

criminal jurisdiction Provided that the jurisdiction which may be vested in municipal courts shall not exceed in their respective municipalities that of circuit courts in their respective circuits as prescribed in this Constitution; and that the Legislature shall provide for the Election of Judges of the municipal courts, as of Judges of the inferior courts by the qualified Electors of their respective jurisdictions. The term of office of the Judges of the said municipal and inferior courts shall not be longer than that of the Judges of the Circuit Courts".

Upon this motion to amend the ayes and noes were called for and taken with the following result—

Ayes— Mr Larrabee — 1

Noes— Messrs Andrews, Bradshaw Dennison, Eldridge, Emery, George, Hannah, Lacy, O'Dell Steward Wait and Mr President 13

Absent— Mr Henry — 1
So the motion was lost—

Mr Larrabee moved to amend Section 2 by striking from the second line the following words "All such inferior courts as may be established by law."
The ayes and noes were called on this motion as follows;
Ayes— Messrs; Andrews, Bradshaw, Larrabee, O'Dell, Steward, and Mr President — 6

Noes - Messrs: Dennison, Eldridge, Emery, Gilmore, George, Hannah, Lacy and Wait - 8

Absent - Mr Henry - 1
So the motion was lost -

Mr Gilmore moved to amend Section 2 by striking from the 2nd and 3rd lines the words - " and other inferior".
The ayes and noes were called on this motion as follows.

Ayes - Messrs: Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Hannah, Lariabee, Lacy, O'Dell, Steward, Wait and Mr President - 14
Absent - Mr Henry - 1
So the motion to amend prevailed,

Mr George moved to amend Section 8 by adding thereto the following words -
"Provided that Judgments and decrees may be rendered by Judges of the Circuit Courts in vacation upon confession or upon default for failure to plead or answer" carried and section amended.

On motion of Mr Bradshaw Section 8 was further amended by adding after the word submitted in the 3rd line the words - "or within 30 days thereafter";

On motion of Mr Bradshaw the article on Judiciary was ordered engrossed for third reading.

On motion of Mr George the Convention

Twenty fourth Day

Tuesday July 9th 1878

The Convention met at 9 oclock A.M.
Mr President in the chair.
Roll called Members all present.
Prayer by Rev. Mr McKonkey
Journal of yesterday read and approved
Proceeding to the order of

Unfinished Business

on motion of Mr Larrabee the convention took from the table the article entitled

Legislative

and ordered it engrossed for third reading.

Mr George moved to reconsider the vote by which the Judiciary article was ordered engrossed for third reading. The ayes and noes were called for on this motion and taken with the following result:

Ayes. Messrs: Dennison, Eldridge, Gilmore, George, Henry, Hannah, Lacy and Vait — 8

Noes, Messrs: Andrews, Bradshaw, Larrabee, O'Dell, Steward and Mr President — 6

Absent, Mr Emery — 1

So the motion prevailed.

On motion of Mr Larrabee a call of the Convention was had and all the members answered to their names except Mr Emery whereupon the Sargeant at Arms was dispatched for the absent member. After a time the officer returned and reported the absent member not found when on motion of Mr Larrabee the further call [illegible]

Mr George moved to amend section 9 by inserting after the word "They" in the 3rd line the following words - "and the Judges thereof in vacation" and strike out the word "also" in the 4th line.

Mr Emery the absent member appeared and asked leave of absence on account of sickness. Leave granted.

Mr Dennison moved to amend the amendment of Mr George by inserting after the word jurisdictions in the 6th line the following words - "and to hear and determine said writs at such times and in such manner as may be provided by law."

Mr George accepted the amendment.

The question being on Mr George's motion as amended the ayes and noes were called for and taken with the following result:

Ayes - Messrs. Dennison, Eldridge, George, Henry, Hannah, Wait and Mr President - 7

Noes - Messrs. Andrews, Bradshaw, Gilmore, Larrabee, O'Dell and Steward - 6

Mr Lacy, who would have voted aye, was paired with the absent member, Mr Emery, who if present would have voted no.

The motion to amend prevailed.

On motion of Mr Dennison the word "issue" was struck out of line 4 in Section 9 and the word "grant" inserted.

Mr George moved to strike out the last clause of section 9 towit — "Remedies at law must be administered separately from those in equity."

On motion of Mr O'Dell the previous question was called for — The question being upon the motion of Mr George to amend, the ayes and noes were called for and taken with the following result.
Ayes — Messrs: Dennison, George, Henry and Mr Hannah 4

Noes — Messrs: Andrews, Bradshaw Eldridge, Gilmore, Larrabee, O'Dell, Steward, Wait and Mr President — 9
Mr Lacy who would have voted aye, was paired with the absent member, Mr Emery who if present would have voted no.

The motion to amend was lost.
On motion of Mr Larrabee the word "quo warranto" was inserted after the word "injunction in the 4th line of Section 9.

On motion of Mr Bradshaw the word "Inferior" was inserted after the word "such" in the 2nd line of Section 2.

Mr Dennison moved to amend section two by adding the words — "No Judicial powers shall be exercised by Clerks of courts". Lost.

On motion of Mr Bradshaw the article was ordered engrossed for third reading.

On motion of Mr Larrabee the substitute for the Preamble reported from Committee No 3 was taken from the table, read the first time and adopted, read the second time, and on motion of Mr Lacy ordered engrossed for third reading.

On motion of Mr Larrabee the article on

Finance

was taken from the table read the first and second times and the Convention resolved into committee of the whole thereon Mr Andrews in the chair.

At 12 oclock "M" on motion of Mr Dennison the committee rose, Mr President resumed the chair and the Chairman of the committee (Mr Andrews) reported that the committee had not concluded its consideration of the article and asked leave to sit again.

On motion of Mr Steward leave was granted the committee of the whole to sit again.

On motion of Mr Hannah the Convention took a recess until 1 30 P.M.

Afternoon Session

The convention reassembled at one and a half oclock P.M.
Roll called and absentees noted as follows — Mr Emery absent on sick leave.
Mr Lacy from Committee on
Conti[illegible] [illegible] the

following Report

Mr President:
The Committee on Expenses beg leave to report that they have had under consideration the account of J. K. Gill & Co. for parchment Record Book and find the sum of Thirty Dollars due them for the same and recommend the payment thereof.

O. P. Lacy
(Signed) Chairman
Walla Walla July 9, 1878

On motion of Mr Andrews the report was adopted and the President authorized to issue his Certificate for said amount.

On motion of Mr O'Dell the Convention was resolved into Committee of the whole on the article entitled "Finances", Mr Andrews in the chair.
At 4:30 P.M. on motion of Mr Lacy the Committee rose. Mr President resumed the chair and the chairman of the Committee (Mr Andrews) submitted the following

Report

Mr President:
Your committee of the whole to whom was referred the article entitled "Finances" have had the same under consideration and recommend the adoption of the following amendments.
add to Section 2 the following words "and no set-off of debts against

After the word counties in the 2nd line of Section 3 insert the following words—"property of municipalities"

Strike out in the 3d and 4th lines of Section 3 the following words"—" and household property not exceeding two hundred dollars in value" and insert the word "and" before the word public in the 3d line.

Strike out in the 3d line of Section 9, the words—"in any manner to or"

Strike out in the 3d and 4th and 5th lines of Section 11 the words—" and the vote of a majority of all the members elected to each House, to be taken by the ayes and noes, shall be necessary to the passage of such law."

Amend Section 11 by inserting after words "aggregate shall" in 2nd line the words—"not for the first fifteen years exceed fifty thousand dollars and shall"

Insert after the word "district" in the 3rd line of Section 14 the words—"within the state".

Fill the blank in the 2d line of section 18 with the words—"Superintendent of public instruction".

Strike out Section 20

Add the following new section—

Sec. 20. The Legislature may borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the ob[illegible]

loan was authorized, or to the repayment of the debt thereby created."

add the following new section:

Sec. 21 – The state shall never contract any debt for works of internal improvements, or be a party in carrying on the same:

add the following new section

Sec. 22. No money shall be drawn from the Treasury for the benefit of any church, or Religious Societies or Religious or Theological Seminaries

Respectfully Submitted
(Signed) L. B. Andrews
Chairman

On motion of Mr Andrews the committee of the whole was discharged from further consideration of the article

On motion of Mr Lacy the convention adjourned.

Twenty Fifth Day
Wednesday July 10, 1878

The Convention met at 9 o'clock A.M. Mr President in the chair —
Roll called, Members all present except Mr Emery absent on sick leave.
Prayer by Rev. Mr Boyd
Journal of yesterday read and approved.

Mr Henry from committee on Memorial relative to the improvement of Snake river submitted the following

Report

Mr President;
The Committee to whom was referred the matter of Memorializing Congress relative to the improvement of Snake river respectfully report the following Memorial.

James V. O'Dell Chm
Francis Henry
C. M. Bradshaw

To the Senate and House of Representatives of the United States of America in Congress assembled.

Your memorialists, the Delegates to the Constitutional Convention for the State of Washington, respectfully represent;
That the vast country drained by Snake river, is rapidly filling up with an industrious and enterprising population, whose settlement was mainly induced by the belief that the Northern Pacific Rail Road would be carried to a speedy completion, and thus afford them a certain means of communication with other portions of the Union; — That

comply with the terms of its Charter, has left them with no channel save that afforded by said river, through which they can obtain speedy protection from the attacks of the numerous Indian tribes to which they are exposed, or carry on a commerce with the world, being the best and most direct high-way across the continent. That said river in consideration of its length, its volume, the extent and richness of the country which it drains; the present and prospective importance of its commerce and the necessities of the people already settled in its valley, is one of national character and importance.

Your memorialists further represent that said river during the low stage of water annually occurring in or about the month of August is closed to navigation until the recurrence of high water in the spring, by reason of which they are cut off from all intercourse with the settled portions of the country save by wagon roads and pack trails. That by the removal of certain obstructions from its channel, said river can be rendered navigable from its mouth to Lewiston, a distance of about one hundred and fifty miles up to the time when the navigation of the Upper Columbia is discontinued, which is usually in the month of December.

For detailed information concerning the nature and extent of these obstructions your memorialists respectfully refer to the annual report of Col. John M. Wilson Chief of Engineers, for 1877, "Appendix [illegible]

which he says: "If a sufficient sum is made available at one time it is believed this improvement can be completed during a single season and at a great saving to the government, as a very large percentage of the small appropriations heretofore set apart for the work has necessarily been exhausted in preparations which are nearly if not quite as extensive on each occasion, as they would be if it was carried on from its commencement to final completion,

Beleiving that the object is one of great and pressing necessity, and of natural importance, We respectfully ask that the sum of One Hundred thousand dollars be appropriated for the improvement of Snake river from its mouth to Lewiston in the Territory of Idaho, that being the amount estimated by competent engineers to be necessary for the purpose. and your memorialists as in duty bound will ever pray.

On motion of Mr Dennison the memorial was referred to the printing committee with instructions to print.

On motion of Mr Larrabee the following resolution was adopted

Resolution

Resolved, that an ingrossing clerk be employed at $4. per day until the work of ingrossing is completed. That the Secretary be directed to appoint a competent person,

Proceeding to the order of Unfinished business the convention resumed consid[illegible]

Finances

On motion of Mr Larrabee the convention considered the amendments proposed by the Committee of the whole, separately

The question being on the amend-ments proposed to section 2. the same were adopted.

On motion of Mr Lacy the amendments to section 3 were adopted. On motion of Mr Henry the amendments to section 9 were adopted.

The question being upon the amendments proposed to Section 11 the same were adopted.

On motion of Mr Lacy the amendments proposed to Section 14 were adopted.

On motion of Mr George the amendments to section 18 were adopted.

On motion of Mr Bradshaw the amendment striking out section 20 of the original article was adopted —

On motion of Mr George the words — "or contract debts" — were inserted in the 1st line of the new section 20.

On motion of Mr Andrews, new section 20 was adopted as amended,

Mr Eldridge moved to adopt the [illegible] new section 21.

Mr Dennison moved to amend by adding to section 21, the following words: "But whenever grants of land or other property shall have been made to the State for particular works of internal improvement, the State may carry on such works and shall devote thereto the proceeds of such grants and may appropriate the revenues derived from such works in aid of their completion and repair." amendment adopted. The question being on the new section 21 as amended, the same was adopted.

The question being on the proposed new section 22 the same was adopted.

Mr Bradshaw moved as a substitute for sections 2 and 3 the following:— "All taxes shall be uniform upon the same class of subjects within the Territorial limits of the authority levying the tax and shall be levied and collected under general laws, but the Legislature may, by general laws, exempt from taxation, public property used for public purposes, actual places of religious worship, places of burial, not used or held for private or corporate profit; and institutions of purely public charity. And all laws exempting from taxation other than that herein before mentioned shall be void.

No set-off against the assessed values of property shall be allowed"

On this motion to amend the ayes and noes were called for and taken with the following result:

Ayes:— Messrs: Bradshaw, Gilmore, Larrabee, and Mr President — 4

Noes:— Messrs: Andrews, Dennison, Eldridge, George, Hannah, Henry, Lacy, O'Dell, Steward & Nash, — 10

Absent — Mr Emery — 1

So the motion to amend was lost

On motion of Mr Larrabee Section 3 was amended to read as follows: "The property real and personal of the United States and the property of the State and counties: property of municipalities; common school property; cemeteries not owned or used for private or corporate profit and public libraries shall be exempt from taxation. And all laws exempting from taxation property other than that herein before mentioned shall be void."

On motion of Mr Larrabee the following words — "No set off of debts against property assessments shall be allowed" — were struck out and the following inserted — "No set off of debts against the assessed value of property shall be allowed".

On motion of Mr Lacy the article was ordered Engrossed for third Reading.

Mr Steward from the committee on Engrossed Articles submitted the following

Report

Mr President:

Your committee on Engrossed Articles to whom was referred the article entitled Preamble have examined the same and find

it correctly engrossed.
Signed G. H. Steward
and Francis Henry
members of the committee

On motion of Mr Larrabee the Preamble was put upon its third reading — The question being, shall the Preamble pass, the Roll was called with the following result,

Ayes, — Messrs — Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 14
Noes — none —
absent — Mr Emery 1
So the Preamble passed.

Mr Larrabee moved that the committee on Revision and Arrangement be appointed to consist of 9 members. withdrawn

Mr George moved that the committee on revision and arrangement consist of three members.
Mr Larrabee moved to amend by saying six members, amendment excepted and motion carried as amended.

On motion of Mr Larrabee the article entitled "Distribution of Powers" was read third time, and the question being shall the article pass the roll was called with the following result.
Ayes — Messrs; Andrews, Bradshaw Dennison, Eldridge, Gilmore, George, Henry, Hannah, Larrabee Lacy, O'Dell, Steward, Wait and Mr. President — 14

Noes — none —
absent — Mr Emery —
So the article entitled Distribution of Powers passed.

On motion of Mr Bradshaw the article on "Amendments" was read third time.
The question being, shall the article pass the roll was called with the following result.
Ayes — Messrs: Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 14
Noes — none —
Absent Mr Emery.
So the article passed
On motion of Mr O'Dell the article on "Boundaries" was read third time. The question being shall the article pass, the roll was called with the following result.
Ayes, — Messrs: Andrews, Dennison, Eldridge, Gilmore, George, Henry, Hannah, Lacy, O'Dell, Steward, Wait and Mr President — 12
Noes — Messrs: Bradshaw & Larrabee 2.
absent Mr Emery — 1
So the article on "Boundaries" passed.

On motion of Mr O'Dell the article on Administrative was read third time.

On motion of Mr George the words — "who shall be ex officio collector of taxes" after the word Treasurer in Section 6, were struck out.
The question being shall the article pass, the roll was called with the following result:

Ayes - Messrs - Andrews, Bradshaw
Dennison, Eldridge, Gilmore, George
Henry, Hannah, Larrabee, Lacy,
O'Dell, Steward Wait and Mr
President — 14
Noes — none —
Absent — Mr Emery — 1
So the article entitled Administrative
passed.

On motion of Mr George the
article on Executive was read
third time —
On motion of Mr
Lacy Sections 10 and 11 were struck
from the article
The question being shall the
article pass the roll was called
with the following result —
Ayes - Messrs - Andrews, Bradshaw
Dennison, Eldridge Gilmore George,
Henry, Hannah, Larrabee, Lacy,
O'Dell, Steward, Wait and Mr
President — 14

Noes — none —
Absent — Mr Emery — 1
So the article passed
On motion of Mr Larrabee the
article entitled Officers was read
third time.

Mr. Eldridge moved to strike out
the following words from section
3 to-wit — "Unless restored to
citizenship by a pardon from the
Governor".
On this motion the ayes
and noes were called with the
following result.

Ayes — Messrs — Eldridge and George 2

Noes — Messrs; Andrus, Bradshaw, Dennison, Gilmore, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 12

Absent Mr Emery — 1
So the amendment was lost,

The question being shall the article on Officers pass the roll was called with the following result.

Ayes — Messrs — Andrus, Bradshaw, Dennison, Eldridge, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 14

Noes — none —

Absent — Mr Emery — 1
So the article entitled Officers passed

On motion of Mr Larrabee the passed articles severally entitled Preamble, Boundaries, Distribution of Powers, Administrative, Executive, Officers and Amendments were ordered printed —
Mr Lacy moved to adjourn lost

On motion of Mr O'Dell the article entitled Corporations was taken from the table read the 1st and 2nd times and the convention resolved into committee of the whole thereon, Mr O'Dell in the chair.

At 12 oclock M. on motion of Mr Eldridge the Committee rose, Mr President resumed the chair and the chairman of the committee (Mr O'Dell) reported that the

committee had not concluded its consideration of the article and asked to be discharged for the present with leave to sit again.

On motion of Mr Steward such leave was granted —

On motion of Mr Bradshaw the Convention adjourned until 2 oclock P.M.

Afternoon Session

The convention reassembled at 2 oclock P.M.

Mr Lacy from Committee on Contingent expenses submitted the following

Report

Mr President

The committee on expenditures have had under consideration the following accounts towit:

Account of W. Byron Daniels Secretary for 30 days attendance at $6. per day $180.00

" " H. D. Cock, Sargeant at Arms for 30 days attendance at $5. per day $150.00

" " John W. Norris Messenger for 30 days attendance at $3. per day $90.00

The committee beg leave to report that they find the several amounts correct and recommend the payment of the same

O. P. Lacy
Chairman

On motion of Mr O'Dell the report was adopted and the President author[illegible] to issue [illegible]

The chair announced the following committee on "Revision and arrangements."

Messrs: Larrabee, Eldridge, Steward, Andrews, O'Dell and Bradshaw.

On motion of Mr O'Dell the convention was resolved into committee of the whole on the article entitled Corporations
Mr O'Dell in the chair.

At 3 oclock P.M. on motion of Mr Lacy, the committee rose, Mr President resumed the chair and the chairman of the committee (Mr O'Dell) submitted the following

Report

Mr President:

The committee of the whole to whom was referred the article entitled Corporations have had the same under consideration and recommend the adoption of the following amendments:

Add to Section 3 the following words — Laws shall also be passed providing that —

" In actions against common carriers of passengers to recover damages, for personal injuries occasioned by negligence on the part of the carrier, slight contributory negligence on the part of the person injured shall not constitute a defense; but the damages shall be apportioned according to the degree of fault."

Strike out Section 4, —
Strike out of Section 6, line 3, the words "or indebtedness" —

In the 4th and 5th lines of Section 6, strike out the words—
"The Stock holders of all corporations and joint stock companies shall be individually liable for all labor performed for such corporation or company—"

Respectfully Submitted

(Signed) J. V. O'Dell
Chairman

Mr Eldridge moved that the amendments reported by the Committee of the whole be considered seriatim carried

On motion of Mr Bradshaw the convention adjourned.

Twenty Sixth Day
Thursday July 11, 1878

The convention met at 9 oclock A.M. Mr President in the chair. Roll called, all present except Mr Emery absent on sick leave
Prayer by Rev S. H. Young
Journal of yesterday read and approved
Mr George from Committee No 2 submitted the following

Report

Mr President:

The committee to whom was referred the matters of "Navigable waters" "Swamp lands" and Swamp and Tide lands" beg leave to report that they have had the same under consideration and report the same back to the convention without recommendation

W. A. George
Chairman Com. No 2

Mr George from committee No 2 reported the following article entitled;

Eminent Domain and Property of the Sta

Sec. 1 The State shall have concurrent jurisdiction on all rivers bordering on the State so far as such rivers shall form a common boundary to the State and any other State or Territory now or hereafter to be formed and bounded by the same. The Columbia river and the navigable waters of the State shall be common highways and forever free as well to the inhabitants of the State as to the citizens of the United States without any tax, duty or impost therefor.

Sec. 2 The title to all lands and other property which has accrued to the Territory of Washington by gift grant purchase forfeiture or otherwise, shall vest in the State.

Sec. 3. The people of the State in their right of Soverignty are declared to possess the ultimate property in and to all lands within the jurisdiction of the State and all lands the title to which shall fail from a defect of heirs shall revert or escheat to the State

On motion of Mr Lacy the article was laid on the table, and ordered printed.

Mr George from committee No 2 reported the following article entitled,

State Institutions

Sec. 1 Educational reformatory and penal institutions and those for the benefit of the insane, blind, deaf and mute and such other institutions as the public good may require shall be established and supported by the State in such manner as may be prescribed by law

Sec. 2 The Legislature shall have no power to change or locate the seat of government of the State — but shall at the first session subsequent to the year of our Lord 1880 submit the question of the permanent location of the seat of government to the qualified electors of the State at the general election then next ensuing Provided: That until the seat of government shall have been permanently located as herein provided the temporary location thereof shall remain at the City of Olympia

Sec. 3 The Legislature shall make no appropriation or expenditures for capitol buildings or grounds (except to keep the present Capitol building in repair) until the Seat of government shall have been permanently located as herein provided.

Sec. 4 The following Territorial Institutions to-wit: The University of Seattle, and the Hospital for the Insane at Steilacoom shall upon the adoption of this constitution become Institutions of the State and the management thereof subject to the control of the State [illegible]

regulations as the legislature shall provide and all gifts, grants, and appropriations of money or property real or personal heretofore made to said institutions or to the Territory of Washington therefor are hereby confirmed to the use and benefit of the same respectively.

On motion of Mr Steward the article was laid on the table and ordered printed

Mr George from Committee No 2 submitted the following article entitled —

<u>Rights of Married Women & Exemptions</u>

Sec. 1 All property real and personal of the wife owned by her before marriage and that acquired afterwards by gift, devise and descent shall be her separate property. And the wife shall have as full control over and right of disposition of her separate property with as full right of control, sue and be sued in relation thereto as if she were unmarried. Provided: That she shall not grant encumber, sell or dispose of her real estate unless her husband joins in the conveyance thereof.

Sec. 2 Laws shall be passed more clearly defining the rights of married Women in relation to her separate property as well as that held by her in common with her husband. And laws shall also be passed providing for the registration of so much of the [illegible] separate property as she

claims exempt from the debts of her husband,

Sec. 3 Homesteads of heads of families registered as such and not exceeding in value the sum of one thousand dollars shall be exempt from forced sale or execution unless such execution be issued on a judgment rendered for the purchase money of such homestead

Laws shall be passed providing for the registration of homesteads

There shall also be laws passed exempting other property of the heads of families from forced sale on execution.

On motion of Mr Henry the article was laid on the table and ordered printed.

Proceeding to the order of Unfinished Business the Convention resumed consideration of the article entitled

Corporations

On motion of Mr Bradshaw a call of the Convention was had and all the members found present except Messrs Emery, Leland and Lacy. Mr Leland not having a vote was excused and Mr Emery being absent on sick leave, the Sargeant at Arms was dispatched to bring in Mr Lacy. after a time the Sargeant at Arms appeared with Mr Lacy, when, on motion of Mr Henry, the further call of the Convention was dispensed with.

Mr Henry moved that the article ... decl

by the committee of the whole to section 3 be adopted. On this motion the ayes and noes were called for and taken with the following result—

Ayes— Messrs; Dennison, Eldridge, Henry, Hannah, and Lacy—5

Noes— Messrs; Andrews, Bradshaw, Gilmore, George, Larrabee, O'Dell, Steward, Wait & Mr President—9
Absent— Mr Emery—
So the Convention refused to adopt the amendment—

The question being on the amendment recommended by the committee of the whole, striking out the first three lines of Section 4, the ayes and noes were called for and taken with the following result;

Ayes— Messrs; Andrews, Dennison Eldridge, Gilmore, George, Henry, Hannah, Lacy and Wait— 9

Noes— Messrs; Bradshaw, Larrabee, O'Dell, Steward and Mr President—5
absent Mr Emery—

The question being on the adoption of the amendment recommended by the committee of the whole striking out the words—"or indebtedness" in the 3d line of Section 6, the same was adopted by the Convention.

The question being on the amendment recommended by the committee of the whole striking out of Section 6 the following words; "The Stock ... and

joint stock companies shall be individually liable for all labor performed for such corporation or company". The ayes and noes were called for and taken with the following result.
Ayes — Messrs: Andrews, Bradshaw, Dennison, Gilmore, George, Henry, Lacy, Wait and Mr President — 9

Noes — Messrs Eldridge, Hannah, Larrabee, O'Dell & Steward — 5
absent Mr Emery —
So the amendment was adopted —

Mr Dennison moved to amend Section 3. by adding the following words —
"Laws shall also be passed regulating the liability of common carriers of passengers in cases of personal injuries occasioned by negligence on the part of the carrier".
On this motion the ayes and noes were called for and taken with the following result —
Ayes — Messrs: Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 14
absent Mr Emery —
So the amendment was adopted —

On motion of Mr O'Dell, Mr Lacy was granted leave of absence until half past one oclock P.M. subject to the call of the Convention.

Mr Andrews moved to strike Section 6 from the article — On this motion the ayes and noes were called for and [taken with the following] result

Ayes — Mr Andrus — 1
Noes — Messrs: Bradshaw, Dennison, Eldridge, Gilmore, George, Henry, Hannah, Larrabee, O'Dell, Steward, Wait and Mr President — 12
Absent, Messrs: Emery & Lacy — 2
So the motion was lost.

Mr George moved to strike out all the first part of Section 6 down to and including the word "void" in the 3rd line.
On this motion the ayes and noes were called for and taken with the following result.
Ayes — Messrs; Andrus & George — 2

Noes — Messrs Bradshaw, Dennison, Eldridge, Gilmore, Henry, Hannah, Larrabee, O'Dell, Steward & Wait and Mr President; — 11

Absent Messrs: Emery & Lacy — 2
So the motion was lost.

Mr Hannah moved that the following new section be adopted; "The Legislature shall not have the power to establish or incorporate any bank or banking company, or monied institution whatever; nor shall any bank, company or institution exist in the State, with the privilege of making, issuing or putting in circulation any bill, check, certificate, promissory note, or other paper, or the paper of any bank, company or person to circulate as money"
Mr Andrus was called to the chair — Mr Larrabee moved as

new section the following—

"It shall not be lawful for any corporation, institution, person or persons [unless authorized by law of Congress] within this State, under any pretence to make or issue any paper money note, bill, certificate or other evidence of debt whatever, intended to circulate as money."

On this motion the ayes and noes were called for and taken with the following result,—

Ayes—Messrs Gilmore, Larrabee Lacy and Mr President — 4

Noes—Messrs; Andrews, Bradshaw, Dennison, Eldridge, George, Henry, Hannah, O'Dell & Wait — 9

absent—Messrs; Emery & Steward — 2

So the motion was lost,

Mr Abernethy moved as a substitute for Mr Hannahs proposed new section the following—

"The Legislature shall not have power to establish or incorporate any bank, company, or institution within the State with the privilege of making issuing or putting in circulation any bill, check, certificate promissory note or other paper or the paper of any bank, company or person, to circulate as money."

On motion of Mr Dennison the proposed substitute was amended by adding thereto the following words;—"or with any banking powers or privileges whatever"—

The question being on the adoption of the substitute as amended, the ayes and noes were called for and taken with the following result.

Ayes — Messrs: Dennison, Eldridge, Gilmore, Hannah, Larrabee, Lacy, and O'Dell — 7

Noes — Messrs: Andrews, Bradshaw, George, Henry, Steward, Wait and Mr President — 7

Absent — Mr Emery —

Being a tie vote the substitute was rejected.

Pending the motion of Mr Hannah to add to the article his proposed new section above recited,

On motion of Mr Larrabee the convention took a recess until 1 30 P.M. —

Afternoon Session

The convention reassembled at 1 30 P.M.

Roll called and absentees noted as follows: Messrs George, Lacy, and Wait.

Mr Emery absent on sick leave

Proceeding to the consideration of Unfinished Business, Mr Gilmore moved to strike out the first clause of Mr Hannah's proposed new section to the article entitled Corporations

On motion of Mr Hannah a call of the Convention was had and all members noted present except the following: Messrs: [illegible] George, Lacy and Wait. [illegible] absent on sick leave —

Whereupon the Sargeant at Arms was dispatched for the three absent members. After the expiration of a few minutes the Sargeant appeared with Messrs Wait and Lacy when on motion of Mr Hannah the further call of the Convention was dispensed with.

Mr Gilmore withdrew his motion to amend and Mr Hannah withdrew his proposed new section and moved the adoption of the following new section:

The Legislature shall not have power to establish or incorporate any bank or banking company or monied institution whatever in this State with the privilege of making, issuing or putting in circulation any bill, check, certificate promissory note or other paper of any company or person, to circulate as money.

On this motion the ayes and noes were called for and taken with the following result.

Ayes — Messrs: Dennison. Eldridge, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell. Steward, Wait and Mr President — 12

Noes Messrs: Andrews and Bradshaw: 2

Absent Mr Emery

So the proposed new section was adopted

Mr Eldridge moved to add to the new section the following words: "Each stockholder [illegible] corporation or joint stock [illegible] shall be

in his proportion of all its debts and liabilities"

Mr Dennison moved to amend the amendment by adding the words - "contracted while he was a stock holder".
amendment accepted
Mr George moved the adoption of the following substitute for Mr Eldridge's motion to-wit:
"The stock holders of all corporations and joint stock companies shall be liable for the indebtedness of said corporation to the amount of their stocks subscribed and unpaid and no more" motion lost
Mr Eldridge withdrew his amendment and on motion of Mr. Larrabee the article was ordered engrossed for 3d Reading -

On motion of Mr Lacy the article entitled

Suffrage and Elections

was taken from the table read 1st and 2nd times and the convention resolved into committee of the whole thereon
Mr Lacy in the chair.
At 5 oclock P.M. on motion of Mr Larrabee the committee rose.
Mr President resumed the chair and the chairman of the committee (Mr Lacy) submitted the following

Report;

"Mr President;
The committee of the whole to whom was referred the article entitled "Suffrage and Elections" have had the same under consideration and recommend the adoption of
[illegible]

Strike out the first section of the article and insert the following substitute —

Section 1. Every male person over the age of twenty one years, belonging to either of the following classes, who shall have resided in the State for six months next preceeding any Election, shall be deemed a qualified Elector at such election;

1st. Citizens of the United States,

2nd. Persons of foreign birth, who shall have declared their intention to become citizens conformably to the laws of the United States, on the subject of naturalization, six months before offering to vote

__Provided__; That the Legislature may at any time extend by law the right of suffrage to persons not herein enumerated, and __Provided further__ that the Legislature may prescribe additional qualifications for Electors of municipal and school District elections.

Strike out the word "military" in the 2nd line of Section 4.

In Section 6 after the word "elections" in the 1st line insert the words "by the people". Strike out the balance of the section after the word ballot and insert the following — "And a plurality of votes shall elect in all cases except when the person who shall receive them shall be ineligible in which case the person receiving the next highest number of votes and who is eligible shall be declared elected. Elections by persons in their representative capacity shall be __viva voce__ and a majority shall ... to

to an election." Strike out the word "may" and insert the word "shall" in the first line of Section 8.
(Signed) O. P. Lacy
Chairman

On motion of Mr Andrews the report was received and the committee discharged.

Mr Eldridge moved that the amendments recommended by the Committee of the whole be adopted - pending which, on motion of Mr Bradshaw the Convention adjourned.

Twenty Seventh Day
Friday July 12, 1878

The Convention met at 9 o'clock A.M.
Mr President in the chair.
Roll called and absentees noted as follows;
Mr Emery absent on sick leave
Prayer by Rev. Mr Boyd,
Journal of yesterday read, corrected and approved.
Mr Larrabee from Committee on Revision submitted the following

Report

Mr President:

Your committee on Revision to whom was referred the "Preamble" report the same back without amendment.
Chas. H. Larrabee

Mr Steward from the Committee on engrossed articles submitted the following

Report

Mr President:

Your committee on engrossed articles would respectfully report the article entitled:
[illegible]

engrossed.

Respectfully Submitted
/s/ U. Steward
Francis Henry
Committee

Mr Leland from Committee No. 3 submitted certain proposed sections of the Schedule providing for the submission of the constitution to a vote of the people of Shoshone, Nez Perce, and Idaho Counties of Idaho Territory.

On motion of Mr O'Dell the same was laid on the table and ordered printed.

On motion of Mr Larrabee the Secretary of the Convention was instructed to employ a person to make the final engrossment of the Constitution on parchment at a price not to exceed twenty five cents per folio.

Proceeding to the order of Unfinished business, the motion of Mr Eldridge to adopt the amendments to the article on Suffrage and Elections recommended by Committee of the whole, the same was put to vote of the convention and lost.

On motion of Mr Gilmore the convention proceeded to consider the amendments to the article sere atim.

On motion of Mr Gilmore the substitute for section one was adopted.

On motion the amendments to section 2, Striking out the word "public", in the 4th line was adopted.

On motion, the amendment to section 4, striking out the word military, in the 2d line, was adopted

On motion the amendment to section 5, striking out the figures "1880", was adopted.

On motion the amendments to section 6 recommended by the Committee of the whole were adopted.

On motion, the amendment to section 8. striking out the word "may" in line 1 and inserting the word "shall", - was adopted.

Mr Henry moved to reconsider the vote by which section 1 was adopted. The ayes and noes were called for on this motion as follows:

Ayes. - Messrs. Andrews, Bradshaw, Dennison, Eldridge, Gilmore George, Henry, Hannah, Larrabee Lacy, ODell, Steward, Wait and Mr President - 14

Noes - None

Absent - Mr Emery - 1
motion prevailed -

On motion of Mr Larrabee the words "Provided that" and "Provided further that" were stricken from section 1.
Mr Henry moved to strike out the balance of the first proviso, withdrawn

Mr Larrabee moved to amend by adding the following words: "but no such law shall be in force until the same shall have been submitted

to a vote of the people, at a general election, and approved by a majority of all the votes at such election.

On this motion the ayes and noes were called as follows:
Ayes — Messrs. Andrews, Bradshaw, Hannah, Larrabee, Lacy & O'Dell — 6

Noes — Messrs. Dennison, Eldridge, Gilmore, George, Henry, Steward, Wait and Mr President — 8

Absent — Mr Emery — 1

Mr Eldridge moved to strike out all of the 1st proviso in Section 1 and insert the following:
Provided the Legislature may at any time omit the word "male" in describing the qualifications of voters. A division of the question being called for the motion was first put to strike out. The ayes and noes were called for and taken with the following result.

Ayes — Messrs: Bradshaw, Dennison, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward and Mr President — 10

Noes — Messrs: Andrews, Eldridge, Gilmore, and Wait — 4

Absent: Mr Emery — 1
Motion prevailed
The question then being on the insertion of the words proposed by Mr Eldridge above recited, the ayes and noes were called for and taken with the following result:

Gilmore, Henry, Steward Wait and Mr President — 6

Noes — Messrs; Andrews, Bradshaw Dennison, George, Hannah, Larrabee Lacy and O'Dell 8

Absent Mr Emery — 1
So the motion to insert was lost.

Mr Eldridge moved to strike out the word "male" in the first line of section one. On this motion the ayes and noes were called, with the following result:
Ayes — Messrs; Dennison, Eldridge Gilmore, and Wait. 4

Noes — Messrs; Andrews, Bradshaw, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward and Mr President — 10
absent Mr Emery 1
So the motion was lost.

Mr O'Dell moved to adopt Section One as amended — The ayes and noes were called on this motion as follows:
Ayes: Messrs: Andrews, Bradshaw, George, Hannah, Larrabee, Lacy, O'Dell and Mr President — 8

Noes — Messrs Dennison, Eldridge, Gilmore, Henry, Steward and Wait — 6

Absent Mr Emery — 1
So the section was adopted.

Mr Gilmore moved the adoption of the following new section.
" The Legislature shall as soon [illegible]

the Registration of the legal voters of the State which shall be equal and Uniform in all its provisions"

Mr Larrabee moved to strike out of the proposed new section the words as soon as practicable" and insert the words" shall have power to"

Mr Dennison moved to amend the amendment of Mr Larrabee by striking out all of the proposed new Section after the word "shall" in the first line and insert the following - " pass laws to preserve the purity of Elections and to guard against abuses of the Elective franchise"

Mr O'Dell called for a division of the question and the motion being first on Mr Dennison's motion to strike out, the same was carried. Whereupon the motion to insert the words proposed by Mr Dennison was put to vote and the ayes and noes called thereon with the following result -

Ayes - Messrs: Dennison, Eldridge, Gilmore George, Henry, Hannah, Lacy, O'Dell, Steward, Wait and Mr President — 11

Noes - Messrs - Andrews, Bradshaw, and Larrabee — 3

Absent Mr Emery — 1

So the motion to insert prevailed

The question being on the adoption of the proposed new section the ayes and noes were called with the following result -

Ayes - Messrs - Dennison, Eldridge,

Lacy, O'Dell, Steward, Wait and Mr President — 11

Noes — Messrs — Andrews, Bradshaw, and Larrabee — 3

Absent Mr Emery — 1
So the new section was adopted.

Mr George moved to add to the new section the following words "and shall for that purpose have power to pass laws of Registration"
Mr Gilmore moved as a substitute for Mr George's motion the following " The Legislature shall pass laws for the Registration of legal voters to be taken before each general election motion lost —
Question being on Mr George's motion the same was put to vote and carried —

On motion of Mr Bradshaw leave of absence was granted Mr George until 1^30 P.M.

Mr Lacy moved to adopt Section 1 as amended, on this motion the ayes and noes were called for and taken with the following result;

Ayes — Messrs; Andrews, Bradshaw, Dennison, Eldridge, Gilmore, Hannah, Lacy, Wait and Mr President — — 9

Noes — Messrs; Henry, Larrabee, O'Dell and Steward — 4

Absent — Messrs Emery & George — 2
So the Section was adopted as amended.
On motion of Mr Gilmore the ... engrossed as

amended for third reading.

On motion of Mr Larrabee the article Entitled Declaration of Rights was read third time. The question being shall the article pass, the ayes and noes were called for and taken with the following result—

Ayes— Messrs: Andrews, Bradshaw, Dennison, Eldridge, Gilmore, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President— 13

Noes — none—

Absent Messrs Emery & George—2
So the article passed.

Mr Larrabee moved that all the articles when passed be ordered printed for Revision— carried.

On motion of Mr Larrabee the Convention took a recess until 1 30 P.M.

Afternoon Session

The convention reassembled at 1 30 P.M. and on motion of Mr Hannah the article entitled Education was taken from the table read 1st and 2nd times and the convention resolved into committee of the whole thereon; Mr Lacy in the chair. At 5 oclock P.M. on motion of Mr Bradshaw the committee rose Mr President resumed the chair and the chairman of the committee (Mr Lacy) submitted the following

Report

Mr President:

The committee of the whole [illegible]

article entitled "Education" have had the same under consideration and recommend the adoption of the following amendments:—

Strike out the words "Public Schools" wherever they occur in the article and insert the words "common schools"—

Strike out the following words in the first section— "The stability of a Republican form of government, depending mainly upon the intelligence of the people"

Amend section 2 as follows Strike out the word "Governor" in the 1st line and insert after the word State in the same line, the words, "State Treasurer" strike out the word Schools in the same line and insert the word "Instruction". In the 2d line strike out the words "under the direction of the Legislature" Strike out the word "School" and insert the word "the" in the 4th line—

Strike out Section 3 of the printed article and insert the following— "The general supervision of the common schools of the State shall be vested in a Board of Education, whose powers and duties shall be prescribed by law. The Superintendent of Public Instruction, The Secretary of State and State Treasurer shall constitute the Board of which the Superintendent of Public instruction shall be President.

Strike out of the 3d line of Section 4 the words "as has been or" amend subdivision 3 of the 4th section by striking out the following [illegible] "[illegible] to the [illegible] unde

an Act of Congress distributing the proceeds of Public Lands among the several States of the Union, approved September 4th A.D. 1841," and insert the following: "to which the State is entitled on its admission by the provisions of Section 2378 of the Revised Statutes of the United States, provided the Congress of the United States shall consent thereto.

In the 9th line of Section 4 strike out the words "without heirs and will" and insert the following - "intestate and without heirs" and put in a separate sentence the following words of the line. "All estates of persons dying intestate and without heirs"

Strike out the 4th subdivision of Section 4.

Amend section 5 as follows: Strike out the words "license moneys" in the first line, also the following words in the 3d line, "all such fines, penalties and license moneys shall be"

Amend Section 6 as follows - Strike out the words "or State" in the 4th line and insert the word "Registered" before United. Strike out the following words in the 5th line "or registered County Bonds of this State"

Amend Section 7 as follows. In line 3 strike out the word "six" and insert "five". Strike out of same line the words "one or more" and insert "a"

Amend Section 8 as follows: Insert after the word State in the 1st line the words -

"as ...

Amend Section 9 as follows:
Strike out all after the word State
in the 3rd line.

Amend Section 10 as follows:
In the 3rd line strike out the
following words "than seven dollars
per acre nor less". Also in the same
line and in line 4 the following
words "nor shall any of said lands
be sold before the expiration of ten
years from the admission of the
State into the Union"

After the word "The" in the 4th
line strike out the following words
"Legislature shall provide by general
law for the appraisement of all lands
for educational purposes" and insert
the following words: "County Comm-
issioners of each County shall
constitute a Board of Appraisers
to appraise the Common School
Lands in this section mentioned"

Strike out the 11th and 12th Sections
of the article, and insert the
following new section 11.

"Section 11. The Legislature may
require by law that every child
of sufficient mental and physical
ability, shall attend school during
the period between the ages of
six and eighteen years at least
three months in each year."

(Signed) O. P. Lacy
Chairman

On motion of Mr Andrews
the report was received and
the committee discharged.

On motion of Mr O'Dell the
Convention adjourned.

Twenty Eighth Day

Saturday July 13, 1878

The Convention met at 9 o'clock A.M.
Mr President in the Chair.
Roll called and all the members answered to their names.
Prayer by Rev. Mr Warren.
Journal of yesterday read, corrected and approved.

Mr Steward from Committee on Engrossed Articles submitted the following:

Report

Mr President:

The Committee on engrossed Articles respectfully report that they have examined the articles entitled "Judiciary" and "Suffrage and Elections" and find the same correctly engrossed,

Respectfully Submitted
S. H. Steward
Francis Henry

Mr Larrabee from Committee on Revision submitted the following

Report

Mr President:

The Committee on Revision report the following amendments to the article entitled "Declaration of Rights". In section 8 Strike out the following words, "nor again be put upon trial for the same offense after having been once acquitted by a jury"
In 30th line strike out "in such causes" also "in all civil causes".
In section 12 in 3d line strike out "debt" and insert "same". In line 4 insert "an" before "absconding"
and in [illegible]

and insert "his"

In section 13 in 6th line strike out "and" Section 8 strike out "but" and insert "a". 24 th. line

Section 15. Strike out "demanded" and insert "required". Strike out "compensation" and insert "payment".

In section 19 strike out "practice of".

In section 20. strike out "by the people shall be by ballot and".

(Signed) Chas H. Larrabee

On motion of Mr Larrabee the regular order was dispensed with and the Convention proceeded to consider the report.

Mr George moved that the first amendment recommended by the Committee on Revision be adopted -

Mr Henry raised the question of order that the amendment could not properly be entertained because it affected the substance of the section. The President decided the point of order not well taken and the question being on the adoption of the amendment the ayes and noes were called with the following result.

Ayes - Messrs: Andrews, Bradshaw, Gilmore, Larrabee, O'Dell and Mr President. 6

Noes - Messrs: Dennison, Eldridge, Emery, George, Henry, Hannah, Lacy, Steward and Wait - 9

So the motion to amend was lost.

On motion of Mr Henry the second amendment recommended by the Committee striking out the words, "in such causes" also the words "in all civil causes", was adopted.

On motion of Mr Hannah the amendments proposed by the committee to section 12 were adopted.

On motion of Mr Lacy the amendment proposed by the committee to section 13 was adopted.

On motion of Mr Larrabee the amendments proposed by the committee to Section 15 were adopted

On motion of Mr Lacy the amendments recommended by the Committee to Section 19 were adopted

On motion of Mr Steward the amendment recommended by the Committee to Section 20 was adopted.

On motion of Mr Dennison the Committee on Revision was instructed to superintend the final enrollment of the Constitution on parchment.

Mr Larrabee gave notice that in two days he should move to reconsider the vote whereby the articles entitled Corporations and Finance were ordered engrossed for a third reading.

On motion of Mr Larrabee the article on Suffrage and Elections was read third time and the question being "shall the article pass" the ayes and noes were called as follows:

Ayes – Messrs: Andrews, Bradshaw, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward and Mr President — 12

Noes – Messrs: Dennison, Eldridge and Wait — 3

So the article passed.

On motion of Mr Larrabee the article entitled Judiciary was read 3rd time [illegible]

"Shall the article pass" the ayes and noes were called with the following result.

Ayes Messrs: Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 15

So the article passed.

Proceeding to the Unfinished business consisting of the article on

Education

Mr Larrabee moved the adoption of the following substitute

Education

Section 1. The general supervision of the public schools of the State shall be vested in a Board of Education whose powers and duties shall be prescribed by law; the Superintendent of Public Instruction, Secretary of State and State Treasurer shall constitute the board, of which the Superintendent of Public Instruction shall be President.

Sec. 2. The Legislature shall, as soon as practicable, provide for the establishment and maintainence of a thorough and Uniform system of free public schools throughout the State, wherein all residents of the State between the ages of six and twenty one years may be educated gratuitously, one or more public schools shall be maintained in each school district within the State, at least three months in each year.

Sec. 3. The public school fund of the State shall forever remain irreducible, the interest thereon, only shall be expended in the maintainance of [illegible]

be distributed among the several counties and school districts of the State in such manner as may be provided by law. No part of this fund, principal or interest shall ever be transferred to any other fund, or used or appropriated for any other purpose than that herein provided. The State Treasurer shall be the Custodian of this fund, and the State shall make good all losses thereof that may in any manner occur.

Sec. 4. The nett proceeds of the sale of all lands that have been, or hereafter may be granted by the United States to this State for educational purposes (except the lands heretofore granted, or may be hereafter granted for the purposes of a University, or for a college of agriculture) and all moneys and the clear proceeds of all property that may accrue to the State by forfeiture or escheat, and all moneys which may be paid as an equivalent for military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys arising from any grant to the State, where the purposes of such grant are not specified, and also the five per centum of the nett proceeds of the sales of the public lands to which the State shall become entitled on her admission into the Union [if Congress consent to such appropriation last mentioned] shall be set apart as a separate fund, to be called the School fund the interest of which, and all other revenues derived from the school [illegible]

applied to the following objects to wit
1st to the support and maintainance of common Schools, in each school district, and the purchase of suitable libraries and apparatus therefor.
2nd The residue shall be appropriated to the support of Universities, Colleges, a system of graded Schools and suitable libraries and apparatus therefor.

Sec. 5. Each school district shall be required to raise by tax annually for the support of public schools, therein, a sum not less than one half the amount received by such district for school purposes from the income of the school fund.

Sec. 6. Provision shall be made by law for the distribution of the income of the school fund among the several districts, for the support of common schools therein, in some just proportion to the number of children and youth therein between the ages of Six and twenty one years and no appropriation shall be made from the school fund to any district for the year in which said district shall fail to raise such tax, nor to any district for the year in which a school shall not be maintained at least three months.

Sec. 7. Provision shall be made by law for the support of the State University, and for connecting with the same, from time to time such colleges in different parts of the State as the interests of education may require. The proceeds of all lands that have been or may be granted to the United

States to the Territory or the State, for the support of a university shall be and remain an irreducible fund, to be called the University fund, the interest of which shall be appropriated to the support of the State University and its branches wherever located within the State, and no sectarian instruction shall be allowed therein.

Sec. 8. The Superintendent of public instruction the Secretary of State and the State Treasurer shall constitute a State board of land commissioners for the sale of the public lands belonging to the State and for the investment of the funds arising therefrom in such manner as the Legislature may provide. Any two of said Commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

Sec. 9. It shall be the duty of the State board of land commissioners to provide for the location, protection, sale or other disposition of all the lands heretofore, or which may hereafter be granted to the State by the United States, under such regulations as may be prescribed by law. No laws shall ever be passed by the Legislature granting any privileges to persons who may have settled upon any such public lands subsequent to the public surveys thereof, by which the amount to be derived by the sale, or other disposition of such lands shall be diminished, directly or indirectly. The Legislature shall, at the earliest [illegible] period,

provide by law that the several grants of land made by Congress to the State, shall be located, preserved and held for disposal, for the respective purposes for which said grants of land were made or which are designated by this Constitution and shall provide for the sale of said lands from time to time, and for the application thereof in accordance with the terms of the grants.

Sec. 10. There shall be a county superintendent of schools in each county, whose term of office shall be two years, and whose duties, qualifications and compensation shall be prescribed by law. He shall be ex officio commissioner of lands within his county, and shall discharge the duties of said office under the direction of the State Board of land commissioners and as provided by law.

Sec. 11. Neither the Legislature, nor any county, city, town, township, school district or other municipal corporation shall make any appropriation, or pay from any public fund or moneys, any thing in aid of any church, sectarian or religious society, or for any religious or sectarian purpose or to help to support any school, academy, seminary, college, University, or other literary or scientific institution, established or controlled by any church, or religious or sectarian denomination whatsoever; nor shall any grant of land, money or other personal [illegible] by the State

or any municipal corporation to any church or for any religious or sectarian purposes.

Sec. 12. No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the State, either as teacher or student; No sectarian tenets or doctrines shall be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race.

On motion of Mr George the Substitute was laid on the table and ordered printed.

On motion of Mr George the Report of the Committee of the whole on the educational article was also laid on the table.

On motion of Mr Larrabee the article entitled

Eminent Domain and Property of the State

was taken from the table and read the first and second times.

On motion of Mr Larrabee the rule was suspended and the article considered in Convention

On motion of Mr Lacy the rules were further suspended, the article considered engrossed and read third time

On motion of Mr Lacy the last vote was reconsidered.

On motion of Mr Dennison the article was amended [illegible]

out all of the first section after the word "same" in the 3rd line, whereupon

On motion of Mr Larrabee the rules were suspended, the article considered engrossed and read third time, and the question being shall the article pass, the ayes and noes were called as follows:

Ayes - Messrs: Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 15,

Noes — None —
So the article passed.

On motion of Mr George the Convention adjourned.

Twenty Ninth Day

Monday July 15th 1898

The Convention met at 9 oclock A.M.
Mr President in the Chair.
Roll called and absentees noted as follows;
Messrs Bradshaw and Eldridge.
Prayer by Rev. Mr McKonkey.
Journal of Saturday read and approved.

Mr Emery from Committee on Engrossed Articles submitted the following

Report.

Mr President;
Your Committee on Engrossed Articles would report that they find the Article entitled Legislature has been properly engrossed

(Signed) H. B. Emery
Ch. Com.

Mr Dennison from Committee No 1 submitted the following Substitute for the Article on Rights of Married Women and Exemptions —

Section 1. The personal property of any resident of this State who is not married, or the head of a family in specific articles, to be selected by such resident, not exceeding in value the sum of two Hundred and fifty dollars in addition to his or her wearing apparel. and the personal property of any resident of this State who is married or the head of a family in specific articles to be selected by such resident, not exceeding in value the sum of five hundred dollars, in addition to his - - wearing

apparel and that of his or her family, shall be exempt from seizure or attachment, or sale on execution or other process from any court for any debt growing out of or founded upon contract, either express or implied, made after the adoption of this constitution.

Sec. 2. The homestead of any resident of this State, who is married or the head of a family, shall not be subject to the lien of any judgment or decree of any court, or to sale under execution, or other process thereon, except such as may be rendered for the purchase money or for specific liens, laborer's or mechanic's liens for improving the same, or for taxes or against executors, administrators, guardians, receivers, attorneys for moneys collected by them, and other trustees of an express trust, for moneys due from them in their fiduciary capacity. The owner of such homestead if a married man shall not be at liberty to alienate the same unless by consent of the wife by deed.

In case a married man should fail to select and claim as exempt from forced sale the personal property exempted by this article, his wife may make the selection and claim, and no waivers of this exemption by the husband shall be valid without the consent in writing of the wife. The homestead outside any city, town, or village, owned and occupied as a residence, shall consist of not exceeding one hundred and sixty acres of land, with the improvements thereon, to be selected by

the owner: Provided. The same shall not exceed in value the sum of twenty five hundred dollars, and in no event shall the homestead be reduced to less than eighty acres, without regard to value.

Sec. 4. The homestead in any city, town or village, owned and occupied as a residence, shall consist of not exceeding one acre of land, with the improvements thereon, to be selected by the owner: Provided: The same shall not exceed in value the sum of twenty five hundred dollars, and in no event shall such homestead be reduced to less than one quarter of an acre of land, without regard to value.

Sec. 5. If the owner of a homestead die, leaving a widow but no children, and said widow has not a separate homestead in her own right, the same shall be exempt and the rents and profits thereof shall vest in her during her natural life: Provided, That if the owner leaves children, one or more, said child or children shall share with the widow and be entitled to half the rents and profits until each of them arrives at twenty one years of age, each child's rights to cease at twenty one years of age, and the shares to go to the younger children, and then all to go to the widow, and provided, that the widow or children may reside on the homestead or not. In case of the death of the widow, all of said homestead shall be vested in the minor child[illegible] of the [illegible]

Mr Larrabee moved to reconsider the vote by which the Convention refused to amend lines 2 and 3 of the Declaration of Rights as recommended by the Committee on Revision — motion carried.

Mr Larrabee from the Committee on Revision by unanimous consent reported the following amendment to Section 8 of the Declaration of Rights towit: Strike out the following words in the first and second lines of Section 8 — "and no person for the same offense shall be put twice in jeopardy of punishment, nor again", and insert the words — "No person shall" — So the sentence shall read as follows: —
"No person shall be put upon trial for the same offense after having been once acquitted by a jury, &c"

Motion carried and the article amended accordingly.

On motion of Mr Larrabee the vote by which the article on Finance was ordered engrossed for a third reading was reconsidered.

On motion of Mr Larrabee the vote by which the article on Corporations was ordered to a third reading was reconsidered.

On motion of Mr Lacy the Convention took from the table the article on "State Institutions" which was read the first and second times and the Convention resolved into committee of the whole — Mr [illegible] in the chair

At 11 oclock A.M. on motion of Mr Eldridge the committee rose, Mr President resumed the chair and the chairman of the Committee Mr Hannah submitted the following

Report.

Mr President—

The committee of the whole to whom was referred the article on State Institutions have had the same under consideration and recommend the following amendments:

Amend the second line of Section 2 by striking out the words "year of our Lord 1880" and insert the words, "Admission of the State"

Amend the 4th, line of Section 2 by inserting after the word "ensuing" the following words— "And a majority of all the votes cast shall be necessary to such location; in case no place have such majority, the question shall be re-submitted from time to time at each general Election until such majority vote shall effect the location." Amend line 5 of Section 2 by striking out the word "Olympia" and insert the following words— "the capital of the Territory at the time of the admission of the State."

Amend the second line of Section 3 by striking out the word "present" and inserting the word "Territorial", also insert after the word building the words— "and grounds"

Amend the 6th line of Section 4 by striking out the words "the same" and inserting the words "said, Institutions".

(Signed) [illegible]

On motion of Mr Andrews the report was received and the committee discharged.

On motion of Mr Larrabee the convention proceeded to consider the amendments recommended by the Committee separately.

The question being upon the first amendment to section 2 the same was adopted —

The second amendment to section 2 was read when Mr Larrabee moved the adoption of the following substitute.

And a majority of all the votes upon said question given at such election, shall be necessary to determine the location thereof. The Legislature shall also provide, that in case there shall be no choice of location at such election, The question of choice between the two places for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors of the State, at the next general election;

The ayes and noes were called for on this motion and taken with the following result —

Ayes — Messrs: Emery, Hannah, Larrabee, and Lacy — 4

Noes — Messrs: Andrews, Dennison, Eldridge, Gilmore, George, Henry, Steward, Wait and Mr President — 9

Absent — Messrs: Bradshaw & O'Dell — 2

So the motion was lost.

The question being on the adoption of the second amendment [illegible] by the Committee of

the whole to section 2. the ayes and noes were called for and taken with the following result—
Ayes — Messrs Andrews, Dennison, Eldridge, Gilmore, George, Henry, Steward, Stait and Mr President 9

Noes — Messrs, Emery, Hannah, Larrabee and Lacy 4

Absent — Messrs Bradshaw & O'Dell 2
So the amendment was adopted.

On motion of Mr Lacy the balance of the amendments recommended by the Committee of the whole were adopted. further on motion of Mr Lacy the article was ordered engrossed for third reading.

On motion of Mr. Larrabee the article entitled Legislative was read third time and the question being shall the article pass, the ayes and noes were taken as follows,
Ayes — Messrs Andrews, Bradshaw Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 15
Noes — None —
So the article passed.

On motion of Mr George the article on Corporations was taken up by the Convention.

Mr Larrabee moved to add to section 6 the following words— "The stock holders of all corporations and joint stock companies shall be individually liable for all labor performed. [illegible]

company" Mr Henry moved the adoption of the following substitute for Mr Larrabee's amendment "Each stock holders of a corporation or Joint Stock association shall be individually and personally liable for his proportion of all its debts and liabilities."

Mr Dennison moved to amend the Substitute proposed by Mr Henry by striking out the words "for his proportion of all its debts and liabilities;" and insert the following words, "to the extent of Stock held by him for all its debts and liabilities created while he was such Stock-holder".

On motion of Mr Larrabee the convention took a recess until 1 30 P.M.

Afternoon Session

The convention reassembled at 1 30 P.M. Roll called and absentees noted as follows: Messrs. Bradshaw Gilmore, Steward and Wait.

The Convention resumed consideration of the proposed amendments to the article on

Corporations

Mr Dennison withdrew his amendment to Mr Henry's proposed substitute and moved the adoption of the following Substitute—

"The Stock holders of all corporations and joint stock companies doing business in this State shall be individually liable for all labor performed for such corporation or company and for all its other indebtedness to an amount

equal to the par value of the stock held by them respectively when such indebtedness was incurred. The term corporations as used in this article shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships"

On this motion the ayes and noes were called for and taken with the following result—

Ayes— Messrs Dennison, Eldridge, Hannah, Larrabee, O'Dell and Steward — 6

Noes— Messrs Andrews, Emery, Gilmore, George, Henry, Wait and Mr President — 7

Absent, Messrs Bradshaw & Lacey 2

So the motion was lost—

Mr Henry withdrew his substitute for the amendment proposed by Mr Larrabee and the question being upon the adoption of Mr Larrabee's motion to amend, the ayes and noes were called for and taken with the following result—

Ayes— Messrs Dennison, Eldridge, Hannah, Larrabee, O'Dell, Steward, Wait and Mr President — 8

Noes— Messrs Andrews, Emery, Gilmore, George, Henry and Lacey, 6

Absent, Mr Bradshaw — 1

So the motion prevailed, and Section 2 amended accordingly—

On motion of Mr Larrabee the words "and all fictitious increase of Stock shall be void" were struck out of lines two and three in section 6.

On motion of Mr Larrabee the article was ordered engrossed for third Reading.

On motion of Mr Steward the article on Finance was taken up.

Mr Larrabee moved to strike out of Section "2" the words— "and no set off of debts against the assessed value of property shall be allowed" Mr Hannah moved to amend by adding to the section the following words— except Judgment or Mortgage liens on the Homestead for its purchase price. motion lost.

The question being on the amendment offered by Mr. Larrabee the ayes and noes were called for and taken with the following result.

Ayes— Messrs Andrews, Emery, Henry, Larrabee, Lacy, Steward and Wait — 7

Noes— Messrs. Dennison, Eldridge, Gilmore, George, Hannah, O'Dell and Mr President — 7

absent Mr. Bradshaw

Being a tie vote the amendment was lost—

Mr George moved to add to Section 2 the following words— but debts may be set off against credits—

On this motion the ayes and noes was called as follows:

Ayes — Messrs. George, Henry, Hannah, Larrabee, O'Dell, Steward, Wait and Mr President — 8

Noes — Messrs Andrews, Dennison, Eldridge, Emery, Gilmore and Lacy — 6

Absent Mr Bradshaw —

So the amendment was adopted

Mr Dennison moved to amend section two by adding the following words —

"When property encumbered by mortgage is assessed to, and the tax thereon paid by the Mortgagor, a just proportional part of the taxes so paid shall constitute an off-set against the mortgage debt."

On this motion to amend the ayes and noes were called for and taken with the following result —

Ayes — Messrs Andrews, Dennison, Eldridge, Gilmore and Hannah — 5.

Noes — Messrs Emery, George, Henry, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 9

Absent — Mr Bradshaw

So the motion was lost —

Mr O'Dell moved to reconsider the vote by which the convention refused to strike out of Section 2 the words "No set off of debts against the assessed value of property shall be allowed"

Carried

On motion of Mr Eldridge all of section 2, after the word "personal" in the 3rd line, was struck out.

On motion of Mr Lacy the article was ordered engrossed for 3rd Reading. On motion of Mr Larrabee the convention again took up the article on Education and was resolved into committee of the whole thereon Mr Wait in the chair.

At 5 o'clock P.M. on motion of Mr Lacy the committee rose. Mr President resumed the chair and the chairman of the committee (Mr Wait) reported that the Committee had not concluded its labors and therefore asked to be discharged for the present with leave to sit again—
On motion of Mr Eldridge such leave was granted—

On motion of Mr Hannah the Convention adjourned until 8 o'clock A.M. tomorrow morning—

Thirtieth Day

Tuesday July 16, 1878

The Convention met pursuant to adjournment at 8 oclock A.M. Mr President in the chair. Roll called and absentees noted as follows, Messrs Bradshaw, Eldridge, George and Lacy. Journal of yesterday read and approved.

Proceeding to the order of Unfinished Business. On motion of Mr Hannah the Convention was resolved into committee of the whole on the article entitled

Education

Mr Wait in the chair.

At ten oclock A.M. on motion of Mr Eldridge the committee rose. Mr President resumed the chair and the chairman of the committee (Mr Wait) submitted the following

Report

Mr President

The committee of the whole to whom was referred the article on Education have had the same under consideration and report it back with a substitute and recommend the adoption of the substitute —

(Signed) S. M. Wait Chairman

The following is the substitute recommended by the committee

Education.

Section 1. The general supervision of the Public Schools of the State shall be vested in a Board of Education whose powers and duties shall be prescribed by law; the superintendent of public instruct... ...t ...d State

and State Treasurer shall constitute the Board of which the Superintendent of Public Instruction shall be President.

Sec. 2. The Legislature shall as soon as practicable provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the State, wherein all residents of the State between the ages of five and twenty one years may be educated gratuitously. One or more public schools shall be maintained in each school district within the State at least three months in each year.

Sec. 3. The Public School Fund of the State shall forever remain irreducible; the interest thereon only shall be expended in the maintenance of the schools of the State and shall be distributed among the several counties and school districts of the State in such manner as may be provided by law. No part of this fund, principal or interest, shall ever be transferred to any other fund, or used or appropriated for any other purpose than that herein provided. The State Treasurer shall be the custodian of this fund and the State shall make good all losses thereof that may in any manner occur.

Sec. 4. The nett proceeds of the sale of all lands that have been, or hereafter may be, granted by the United States to this State for educational purposes, except the lands heretofore granted, or that may be hereafter granted.

for the purposes of a University, or for a college of agriculture. all moneys the clear proceeds of all property that may accrue to the State by forfeiture or Escheat; all moneys which may be paid as an equivalent for military duty; and all moneys arising from any grant to the State, where the purposes of the grant are not specified, together with the five per centum of the nett proceeds of the sale of the public lands to which the State shall become entitled on its admission into the Union — (if congress consent to such appropriations last mentioned) — shall be set apart, as a separate fund to be called the School Fund, the interest of which, and all other revenues derived from the School lands, shall be exclusively applied in such manner as the Legislature may from time to time prescribe: to the support of common and graded schools and to the purchase of suitable libraries and apparatus therefor.

Sec. 5 All fines, penalties, and forfeited recognizances arising under the general laws of the State shall belong to and be paid over to the counties respectively where the same may be levied or imposed and shall be appropriated exclusively to the support of common schools where the same may accrue.

Sec. 6. Provision shall be made by law for the distribution of the income of the school fund among the several districts for the support of common schools therein

in proportion to the number of children therein, between the ages of five and twenty one years, and no appropriations shall be made from the school fund to any district for the year in which a school shall not be maintained at least three months.

Sec. 7. Provision shall be made by law for the support of the State University, and for connecting with the same, from time to time, such colleges in different parts of the State as the interests of education may require. The proceeds of all lands that have been or may hereafter be granted by the United States to the Territory or the State for the support of a University, shall be and remain an irreducible fund, to be called the University fund, the interest of which shall be apportioned to the support of the State University and its branches, wherever located within the State, and no sectarian instruction shall be allowed therein.

Sec. 8 The Superintendent of Public Instruction, the Secretary of State, and the State Treasurer shall constitute a State Board of Land Commissioners for the sale, leasing and general management of the public lands belonging to the State, in such manner as the Legislature may provide. Any two of said Commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

Sec. 9. It shall be the duty of the State Board of Land Commissioners

to provide for the location protection sale or other disposition of all the lands heretofore, or to be hereafter, granted to the State by the United States, under such regulations as may be prescribed by law. No law shall ever be passed by the Legislature, granting any privileges to persons who may have settled upon any such public lands subsequent to the public surveys thereof, by which the amount to be derived from the sale or other disposition of such lands shall be diminished, directly or indirectly. The Legislature shall, at the earliest practicable period, provide by law that the several grants of land, made by Congress to the State, shall be located, preserved and held for disposal, for the respective purposes for which said grants of land were made, or which are designated in this Constitution; and shall provide for the sale, leasing and general management of said lands from time to time and for the application of the proceeds thereof in the manner directed in this Constitution.

Sec. 10. University, College, Common School or other lands which are now held are, or may be hereafter acquired by the State for Educational purposes, shall before the sale of the same, be appraised by competent officers appointed by law and shall not be sold for less than the appraised value.

Sec. 11. There shall be a County Superintendent of schools in each County, whose term of office shall be two years; and [illegible] duties

qualifications and compensation shall be prescribed by law. He shall be ex officio Commissioner of Lands within his county, and shall discharge the duties of said office under the direction of the State Board of Land Commissioners, and as provided by law.

Sec. 12. No religious test or qualification shall ever be required of any person as a condition of admission into any public school or educational institution of the State as teacher or pupil and no sectarian tenets or doctrines shall ever be taught in the public schools in this State nor shall any funds set apart for educational purposes be appropriated for the support of schools controlled in whole or in part by any church, religious society, or sectarian denomination, and no appropriation from the common school fund shall be made for the support of any private school, or seminary whatever.

Sec. 13. Separate Schools may be established for children of Indian, African and Mongolian bloods; but such Schools shall not be inferior in any respect to other common schools.

On motion of Mr O'Dell the report was adopted and the committee discharged.

On motion of Mr Eldridge the Substitute was read 1st and 2nd times and the rule suspended requiring the same to be referred to Committee of the whole.

On motion of Mr Larrabee the [illegible] to consider the

article by section.

On motion of Mr Larrabee, Section 4 was amended by striking out of the 8th line the word "to" and the words, "shall become entitled" and inserting the words "may receive" also by prefixing before the word "on" in the 9th line the word "up" so as to read "upon"

Mr Lacy moved to amend section five by striking out the words "same may be levied or imposed" and inserting the words, "offense shall have been committed" carried and section amended.

Mr Larrabee moved to strike out Sec. 5. The ayes and noes were called on this motion as follows:

Ayes - Messrs: Bradshaw and Larrabee, 2

Noes - Messrs: Andrews, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Lacy, O'Dell, Steward, Wait and Mr President - 13
So the motion was lost.

Mr Gilmore moved to strike out the word "one" after "twenty" in the 3rd line of Section 6 - lost -

Mr George moved to insert after the word "State" in the 3d line of Section 8 the following words - "and that the portion thereof belonging to the common school fund be apportioned to the several counties of the State in proportion to number of school children therein respectively, and that said counties may have the same ... and

mortgage securities on real estate at not exceeding one half the value of the land and each county shall be responsible to the State for all losses of said fund, or any portion thereof and shall make good all such losses Provided that said funds may at any time be called in and a new apportionment be made —

On this motion the ayes and noes were called with the following result.

Ayes — Messrs — Andrews, Bradshaw, Gilmore, George, Hannah, Steward, and Stait — 7

Noes — Messrs: Dennison, Eldridge, Emery, Henry, Larabee, Lacy, O'Dell and Mr President — 8

So the motion was lost —

On motion of Mr Lacy Section 8 was amended by inserting in the 3d line after the word "State" the following, "and for the investment of the funds arising therefrom"

On motion of Mr George the words "such public" in lines 4 and 5 of Section 9 were struck out and the word "School" inserted.

Mr Gilmore moved to add to Section 9 the following words — "And all sales shall be to the highest bidder at public auction after due notice" —

On this motion the ayes and noes were called as follows;

Ayes — Messrs Andrews, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Lacy, O'Dell

Steward and Wait — 12

Noes Messrs: Bradshaw, Larrabee, and Mr President — 3

So the amendment was adopted

Mr George moved to strike out all of Section 9 after the word "indirectly" in the 6th line — On this motion the ayes and noes were called as follows:

Ayes — Mr George — 1

Noes — Messrs: Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 14

So the motion was lost —

On motion of Mr Gilmore the convention took a recess until two oclock P.M.

Afternoon Session

The convention reassembled at 2 oclock P.M.

Roll called and absentees noted as follows: Mr Lacy —

The convention resumed consideration of the unfinished business consisting of the article on

Education

Mr Hannah moved the adoption of the following substitute for Section 13 "Separate Schools may be established for the children of the colored races but such schools shall not be inferior in any respect to other common Schools" On this motion the ayes and noes were called with the following result

Ayes — Messrs: Dennison, Gilmore, George, Henry and Hannah — 5

Noes - Messrs: Andrews, Bradshaw, Eldridge, Emery, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 10

So the motion was lost —

Mr Larrabee moved to strike out Section 13.

On this motion the ayes and noes were called for and taken with the following result.

Ayes — Messrs Andrews, Bradshaw, Eldridge, Emery, Gilmore, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 11

Noes — Messrs: Dennison, George, Henry, and Hannah. 4

So the motion prevailed

On motion of Mr Larrabee the article was ordered engrossed for third reading —

On motion of Mr Larrabee the rules were suspended and the committee on Engrossed Articles allowed to report — Whereupon Mr Emery from the committee on Engrossed Articles submitted the following

Report.

Mr President;

Your Committee on Engrossed Articles would report that they find the articles entitled Corporations, State Institutes and Finances - have been properly engrossed

(Signed) H. B. Emery
Ch. Com

On motion of Mr Lacy the article entitled Corporations was read third time and the question

being shall the article pass, the ayes and noes were called with the following result—
Ayes— Messrs— Andrews, Eldridge, Emery, Henry, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President—10

Noes— Messrs— Bradshaw, Dennison, Gilmore, George, and Hannah — 5
So the article passed —

On motion of Mr Bradshaw the article entitled
Finance
was read third time and the question being shall the article pass the ayes and noes were called as follows
Ayes— Messrs, Andrews, Dennison, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait & Mr President — 13

Noes — Messrs, Bradshaw & Eldridge
So the article passed

On motion of Mr Emery the article entitled
State Institutions
was read third time and the question being shall the article pass, the ayes and noes were called as follows;

Ayes — Messrs Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 15

Noes— None —
So the article passed —

On motion of Mr Dennison the Convention took from the table the Separate articles.

On motion of Mr Larrabee the rules requiring 1st and 2nd Reading and consideration in Committee of the whole were dispensed with and the articles considered in convention

On motion of Mr Wait the following new separate article number 3 was added to wit:

"It shall be lawful for the electors of any County, Municipal Corporation or precinct not included within the Corporate limits of any municipality at any general election to prohibit by a majority vote the sale or disposal of Spiritous liquors in less quantities than one gallon except for medical or mechanical purposes. and the Legislature shall pass at its first session such laws as will carry into effect this article if adopted".

On motion of Mr Bradshaw the rule requiring Separate Article No 3 to be read 1st and 2nd times and considered in Committee of the whole was suspended—

The question being upon the adoption of Separate Article No 1. the ayes and noes were called with the following result.

Ayes — Messrs: Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 14

Noes — Mr Hannah — 1

So the article was adopted

The question being upon the adoption of Separate Article No 2 the ayes and noes were called as follows:

Ayes — Messrs: Andrews, Bradshaw Dennison, Eldridge, Emery, Gilmore, George, Henry, Larrabee, Lacy, O'Dell, Stewarad, Wait and Mr President 14

Noes — Mr Hannah — 1

So the article was adopted —

The question being upon the adoption of Separate article No 3, the ayes and noes were called with the following result —

Ayes Messrs; Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Larrabee O'Dell, Steward, Wait and Mr Presidente 12

Noes — Messrs: Henry, Hannah and Lacy — 3

So the article was adopted —

The words "For Separate Article No 3" "Against Separate Article No 3" On motion of Mr Larrabee were inserted in the article entitled "Separate Articles" —.

On motion of Mr Larrabee the article entitled Separate Articles was adopted —

On motion of Mr Andrews the article was ordered engrossed for third Reading —

On motion of Mr Larrabee the Convention adjourned —

Thirty First Day

Wednesday July 17, 1878

The Convention met at 9 o'clock A.M. Mr President in the chair. Roll called. Mr Eldridge absent. Journal of yesterday read, corrected and approved

Mr Emery from Committee on Engrossed Articles submitted the following

Report

Mr President

Your Committee on Engrossed Articles would report that they find the article entitled Education has been properly engrossed

(Signed) H. B. Emery
Chairman Com.

Mr Larrabee from Committee on Revision and Arrangements submitted the following Report.

Mr President

Your committee on Revision and arrangement respectfully report the following arrangement of Articles:

1. Preamble
2. Boundaries
3. Eminent Domain
4. Distribution of Powers
5. Suffrage and Elections
6. Declaration of Rights
7. Executive
8. Legislative
9. Judicial
10. Administrative
11. Officers
12. Education
13. Finance
14. Corporations
15. State Institutions

16. Rights of married Women and Exemptio[n]
17. Miscellaneous
18. Amendments
19. Schedule
20. Resolutions,
and ask the concurrence of the Convention therein
(Signed) Chas. H. Larrabee
Chairman

On motion of Mr Dennison the proposed arrangement of Articles was amended by arranging the Legislative Article to precede the Executive—

On motion of Mr Larrabee the report was adopted.

Mr Larrabee from the Committee on Revision &c, submitted the following <u>Report</u>

Mr President

Your committee on Revision and arrangement, respectfully report back the article on Boundaries without amendment
Chas. H. Larrabee
Chairman

On motion of Mr Bradshaw the report was received and the committee discharged from further consideration of the article

Mr Hannah submitted the following

<u>Resolution</u>

Resolved that in the opinion of this Convention it is the duty of the Congress of the United States to abolish all Indian Reservations and abrogate all tribal relations among the Indians on the Pacific coast"

Mr Larrabee moved the adoption of the following [illegible].

Substitute

Whereas - The satisfactory solution of the relations between the Indian Tribes of Washington Territory and the United States Government is assuming such importance in view of past and pending difficulties that not only the dignity of the United States Government is being compromised but the immediate and future welfare of Washington Territory seriously injured and retarded: Wherefore We the Delegates elected by the people of Washington Territory for the purpose of framing a Constitution for a State Government in convention assembled in the City of Walla Walla hereby resolve,

1st. That the divided authority between the Interior Department and the War Department prevents that concert of action necessary for the establishment of a uniform policy in regard to the management of the Indians, and not only entails unnecessary expenditure of life, but of treasure at the same time.

2nd. That the Indians themselves would prefer, with proper legislation in their behalf to take up lands is severalty in preference to submitting to the present Reservation System.

3rd. That permanent peace can be preserved with the Indians, all tribal relations broken up, large acres of good lands thrown open to settlement, and large expenditures of money saved to the Government by the abandonment of the present Reservation system:

4th. That the attempt to perpetuate the Reservation system by the consolidation of the Indians upon fewer Reservations, implies the use of a force equal to all of the resources of the entire United States Army in order to maintain peace upon our part of the frontier.

5th. That the minds of the Indians of eastern Washington and Oregon, and Idaho, look to the small valleys in the mountainous regions in British Columbia as a safe refuge in case they are compelled to submit to the present policy pursued in their management in which event, predatory raids may be made upon us, for years to come.

6th. That with the change of policy towards the Indians heretofore suggested, to maintain the laws and preserve proper relations between citizens and Indians, the present military force in this Territory is insufficient from the fact, that we will be liable to raids from small bands of Indians, already outlawed, who are seeking refuge in British Columbia in such localities, that the authorities of that Government can not exercise a remedial control.

7th. Be it Resolved, That a copy of these resolutions be forwarded to the President of the United States, the Senate and House of Representatives in Congress, the Secretary of War and the Secretary of the Interior.

Mr Hannah accepted the substitute

Mr George raised the question of order that the Resolution was not germain to the legitimate business of the Convention.

Mr President decided the point of order not well taken.

Mr Dennison moved that the Resolutions lay on the table and be printed — lost —

On motion of Mr Bradshaw the previous question was called for

The question being the adoption of the Resolutions the ayes and Noes were called with the following result.

Ayes; Messrs; Bradshaw, Dennison, Eldridge, Gilmore, Henry, Hannah, Larrabee, Lacy, O'Dell, and Mr President 10

Noes; Messrs; Andrews, Emery, George, Steward and Wait — 5

By unanimous consent at the request of Mr Bradshaw, the Convention took up the article entitled Suffrage and Elections

Mr Bradshaw moved to add to the first clause of section 1 of said article the following words; —

except Indians who have not severed their tribal relations."

Mr Dennison moved to amend the amendment so as to read as follows;

"excluding Indians not taxed and those who have not severed their tribal relations".

Mr Bradshaw accepted the amendment and on the motion as amended the ayes and noes

were called with the following result:
Ayes — Messrs: Bradshaw, Dennison, Eldridge, Gilmore, George, Henry, Larrabee, Lacy, Steward, Wait and Mr. President — 11

Noes — Messrs Andrews & Hannah 2

Absent: Emery & O'Dell — 2

The article having once passed its third reading and requiring a unanimous vote to amend, the motion was lost.

On motion of Mr George the last vote was reconsidered.

On motion of Mr Bradshaw the article was laid on the table —

On motion of Mr Larrabee the article on Education was read 3d time,

By unanimous consent Mr Larrabee was permitted to move the adoption of a new section to the article towit;

Sec. 13. The salaries of the following officers shall be as follows payable quarterly — Governor $2000. per annum, Judges of the Supreme and Circuit Courts $2000. Secretary of State $1800. State Treasurer $1800. Superintendent of Public Instruction $1800."

A division of the question as to the salaries of the several officers being called for,

Mr Hannah moved to amend the section by fixing the Governor's salary at $1500.

On this motion the ayes and noes were called as follows:
Ayes — Messrs: Dennison, Eldridge, Gilmore, George, Henry, Hannah, Lacy, O'Dell [illegible] 12

Noes— Messrs: Andrus, Bradshaw, Emery, Larrabee, and Mr President 5
So the amendment was adopted.

Mr Lacy moved that the part of the Section fixing the salaries of the Supreme and Circuit Judges at $2000. per annum be adopted. The ayes and noes were called on the motion as follows,

Ayes— Messrs: Bradshaw, Dennison, Eldridge, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President— 12

Noes— Messrs: Andrus, Emery, and Gilmore. 3
So the motion was adopted

The question being upon that part of the section fixing the salary of the Secretary of State at $1800. per annum.
Mr Lacy moved to amend by striking out $1800. and inserting $1500.
Mr O'Dell moved to amend the amendment to insert $1200.
The vote by ayes and noes was first taken upon the amendment to the amendment with the following result.
Ayes: Messrs: Dennison, Henry, and O'Dell. 3

Noes; Messrs: Andrus, Bradshaw, Eldridge, Emery, Gilmore, George, Hannah, Larrabee, Lacy, Steward, Wait and Mr President — 12
So the amendment to the amendment was lost,
The vote by the ayes and noes was then taken upon the amendm

with the following result—

Ayes; Messrs; Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 15

Noes — None
So the amendment was adopted.

The question being upon the adoption of that part of the section fixing the Salary of the State Treasurer at $1800,

Mr Hannah moved to strike out $1800, and insert $1200. Mr Steward moved to amend the amendment to insert $1000. The vote by ayes and noes was first taken on the amendment to the amendment with the following result:

Ayes; Messrs; Dennison, O'Dell and Steward — 3

Noes; Messrs; Andrews, Bradshaw, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, Wait and Mr President — 12
So the amendment to the amendment was lost.

The vote by ayes and noes was then taken upon the amendment with the following result—

Ayes; Messrs; Dennison, Henry, Hannah, Lacy, O'Dell, Steward — 6

Noes; Messrs; Andrews, Bradshaw, Eldridge, Emery, Gilmore, George, Larrabee, Wait and Mr President — 9
So the amendment was lost—

Mr George moved to amend the section by striking out $1800 as the salary of the State Treasurer and insert $1500. On this amendment the ayes and noes were called as follows:

Ayes: Messrs: Andrus, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 15

Noes — None —
So the amendment was adopted

The question being upon the adoption of that part of the section fixing the salary of the Superintendent of Public Instruction at $1800.

Mr Steward moved to strike out $1800 and insert $1500.
Mr Lacy moved to amend the amendment to insert $1200.
The vote by ayes and noes was first taken upon the amendment to the amendment with the following result —

Ayes: Messrs: Dennison, Henry, Hannah, Lacy, O'Dell — 5.

Noes — Messrs: Andrus, Bradshaw, Eldridge, Emery, Gilmore, George, Larrabee, Steward, Wait and Mr President — 10
So the amendment to the amendment was lost —

The vote by ayes and noes was then taken upon the amendment with the following result.

Ayes: Messrs: Andrus, Bradshaw, Dennison, Eldridge, Emery, [illegible] George, Henry, Hannah —

Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 15

Noes — None —
So the amendment prevailed

Mr Hannah moved to amend the section by adding the following words: "Circuit Attorney $1000."

Mr Dennison moved to amend the amendment to read as follows: "The salary of the Circuit Attorney shall not exceed ($1000) one thousand dollars" accepted and the ayes and noes called with the following result,

Ayes; Messrs; Andrus, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 15

Noes — None —
So the amendment was adopted.

Mr George moved to add to the section the following words.
"Provided that the salaries of Governor, Secretary of State, State Treasurer, Superintendent of Public Instruction, Judges of the Supreme and Circuit Courts and Circuit Attorneys may after the year 1890 be increased twenty five per cent"

Mr Dennison moved to amend the amendment by striking out the words "Circuit Attorneys"

On this motion the ayes and noes were called as follows:

Ayes: Messrs: Andrews, Dennison, Eldridge, Hannah, Larrabee, O'Dell and Wait — 7

Noes: Messrs: Bradshaw, Emery, Gilmore, George, Henry, Lacy, Steward and Mr President — 8

So the motion was lost —

The question being on the original amendment the ayes and noes were called as follows:

Ayes: Messrs: George & Henry — 2

Noes: Messrs: Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 13.
So the motion was lost —

The question being upon the adoption of the Section as amended the ayes and noes were called with the following result:

Ayes: Messrs: Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 15

Noes — None —
So the section was adopted

On motion of Mr O'Dell the Convention took a recess until 1:30 P.M.

Afternoon Session

The convention reassembled at 1[30] P.M. Roll called and absentees noted as follows;
Messrs; Wait, O'Dell and Gilmore
Resuming consideration of the article entitled Education, the same being upon third reading, and the question being shall the article pass, the ayes and noes were called as follows;
Ayes; Messrs; Andrews, Bradshaw, Dennison, Eldridge, Emery, George, Henry, Hannah, Larrabee, Lacy, Steward, Wait and Mr. President 13

Noes; Messrs; Gilmore and O'Dell - 2
So the article passed.

On motion of Mr Hannah the proposition entitled "Swamp Lands" was taken from the table and referred to Committee No. 1.

On motion of Mr Lacy the rules were suspended to allow the Committee on Engrossed Articles to report, Whereupon Mr Emery from such committee submitted the following

Report

Mr President;
Your Committee on Engrossed articles would report that they find the article entitled "Seperate Articles" has been properly engrossed,
H. B. Emery
Chairman Com.

On motion of Mr Larrabee the Article on Suffrage and Elections was taken up.

The amendment proposed by Mr Bradshaw at the forenoon session to-wit: "Excluding Indians not taxed and those who have not severed their tribal relations" was withdrawn.

Mr Larrabee moved to add a third clause to the first section of the article as follows:
"3rd Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization."
Motion adopted unanimously.

Mr Bradshaw moved to adopt the following new clause to be added to Section one of the article:
"Persons of Indian blood residing in this State, who have adopted the language, customs and habits of civilization after an examination before any Circuit Court of the State, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the State."

On this motion the ayes and noes were called for and taken with the following result:

Ayes - Messrs: Andrews, Bradshaw, Eldridge, Gilmore, Henry and Larrabee — 6

Noes; Messrs; Dennison, Emory, George, Hannah, Lacy, O'Dell, Steward, Wait and Mr President — 9
So the motion was lost—

4

The question being upon the final passage of the article as amended the ayes and noes were called with the following result:

Ayes: Messrs: Andrews, Bradshaw, Emery, Gilmore, George, Henry, Hamlah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 13

Noes: Messrs: Dennison and Eldridge 2
So the article passed

Mr Larrabee moved to adjourn — Lost.

Mr O'Dell moved to reconsider the vote by which the article on Education passed its third reading — Lost

Mr Dennison from Committee No one reported the following article entitled

Schedule

Section 1. On behalf of the people of Washington Territory, we in convention assembled do adopt the Constitution of the United States of America.

Sec. 2. Perfect toleration of religious sentiment shall be secured and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Sec. 3. The people of Washington Territory by their representatives in convention assembled, do agree and declare that they forever disclaim all right and title to the [illegible]

lands lying within said Territory, and that the same shall be and remain at the sole and entire disposal of the United States; that the lands belonging to citizens of the United States residing without said State shall never be taxed higher than the lands belonging to residents thereof; and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by, the United States. That these three sections shall be irrevocable without the consent of the United States and the people of the State of Washington.

Sec. 4. That no inconvenience may arise by reason of a change from a Territorial to a permanent State government, it is declared that all rights, actions, prosecutions, judgments, decrees, claims, and contracts, as well of individuals as of bodies corporate — including counties, cities, towns and school-districts — shall continue as if no such change had taken place, and all process which may be issued under the authority of the Territory of Washington, previous to its admission into the Union, shall be as valid as if issued in the name of the State.

Sec. 5. All laws now in force in the Territory of Washington, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the Legislature.

Sec. 6. All debts, fines, penalties, or forfeitures, accruing to the Territory [illegible]

of the State.

Sec. 7. All recognizances heretofore taken, or which may be taken before the change from Territorial to a permanent State government, shall remain valid, and shall pass to and may be prosecuted in the name of the State; and all bonds executed to the Governor or to the people of Washington Territory or to any municipal corporation or to any Officer or Court in his or their official capacity, shall pass to the Governor or to the State authorities, and their successors in office for the uses therein expressed, and may be sued for and recovered in the name of the State accordingly; and all the estate of property, real, personal or mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts of whatever description of the Territory of Washington, shall inure to and vest in the State of Washington, and may be sued for and recovered in the same manner and to the same extent by the State of Washington as the same could have been by the Territory of Washington. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a Territorial to a State Government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Washington before the change from a Territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington

though such change had not taken place; and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the Courts of the Territory of Washington at the time of the change from a Territorial to a State government may be continued and transferred to any Court of the State which may have jurisdiction of the subject matter thereof.

Sec. 8. All officers now holding their offices under the authority of the United States or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superceded by the authority of the State; and shall be entitled to receive for services rendered the State, a compensation not greater than that theretofore received.
The Governor, Secretary, Treasurer, Auditor, Superintendent of Schools, Officers of the Asylum for the insane and the regents of the University of the Territory of Washington, shall continue to discharge the duties of their respective offices after the admission of the State until the qualification of the officers elected or appointed under the State government; and said officers, for the time they shall serve, shall receive the same compensation as the State officers shall by law be paid for like services.

Sec. 9. Whenever the judge of the Circuit Court of any circuit, elected or appointed under the provisions of this Constitution, shall have qualified in his office, the several causes then pending in the District Court of the Territory within any county in

such Circuit, and the records papers and proceedings of said District Court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Circuit Court of the State for such county; and until the District Courts of the Territory shall be superceded in manner aforesaid, the said District Courts and the Judges thereof, shall continue with the same jurisdiction and powers to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the Territory. Whenever any two of the judges of the Circuit Court, elected or appointed under the provisions of this Constitution shall have qualified in their office, the causes then pending in the Supreme Court of the Territory, and the papers, records and proceedings of said Court, and the seal and other property pertaining thereto shall pass into the jurisdiction and possession of the Supreme Court of the State, and until so superceded the Supreme Court of the Territory, and the judges thereof, shall continue with like powers and jurisdiction as if this Constitution had not been adopted.

Sec. 10. The terms of office of the Governor and State officers, Circuit and Probate Judges, Circuit Attorneys and all county officers first elected under this Constitution, shall commence on the fourth Monday after the President of the United States shall, by proclamation, announce the admission of the State into the Union; and in the event that either of the persons elected shall fail to take the Oath of office within ten days thereafter, then the person receiving the next highest

number of votes for such office, shall take it within the next succeeding ten days, and in the event of his failure or neglect the office shall be declared vacant, and the Legislature shall provide for filling the vacancy.

Sec. 11. Until otherwise provided by law, the seals now in use in the Supreme, District and Probate Courts of the Territory are hereby declared to be the Seals of the Supreme, Circuit and probate Courts respectively of the State.

Sec. 12. When the State is admitted into the Union, the books, records, papers and proceedings of the Probate Court in each county, and all causes and matters of administration pending therein, shall pass into the jurisdiction and possession of the Probate Court of the same county created by this Constitution; and the said Court shall proceed to final judgment or decree, order or other determination in the said several matters and causes as the Territorial Probate Court might have done if this Constitution had not been adopted. And until the election and qualification of the Probate Judges provided for in this Constitution the Territorial Probate Judges shall act as Judges of the Probate Courts created by this Constitution, within their respective counties.

Sec. 13. The Legislature at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this Constitution, and fix the time for the commencement and duration of their terms.

Sec. 14. In case of a contest of election between candidates, at the first general election under this Constitution, for Judges of the Circuit or Probate Courts or for Circuit Attorney, the evidence shall be taken in the manner prescribed by the Territorial laws, and the testimony so taken shall be certified to the Secretary of State; and said officer, together with the Governor and Treasurer of State, shall review the evidence and determine who is entitled to the certificate of election.

Sec. 15. The votes at the first general election under this Constitution, for the several officers who are to be elected at such election, shall be canvassed, returns made, and results determined in the manner prescribed by the Territorial law for canvassing votes for like officers. The votes cast for Governor, State officers, members of the Legislature, Judges of the Circuit Court, Probate Courts and for Circuit Attorneys, shall be canvassed by the County Canvassing Boards in the manner prescribed by the Territorial law for canvassing votes for members of the Legislative Assembly; and returns shall be made to the Secretary of the Territory, acting as Secretary of State, under the same regulations as are prescribed by law for sending the abstracts of votes for delegate in Congress; and the Secretary, Auditor and Treasurer or any two of them, on the twenty-fifth day after the election, or within ten days thereafter, shall proceed to canvass the votes, and declare the result.

Sec. 16. One Representative in the Congress of the United States shall be elected from the State at large, at the first election provided for in this Constitution, and, thereafter, at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress the Legislature shall divide the State into Congressional districts, in accordance with such apportionment. The votes cast for Representative in Congress at the first election held under this Constitution, shall be canvassed and the result determined in the manner provided by the laws of the Territory for the canvass of the votes for delegate in Congress.

Sec. 17. The Legislature shall, at their first session, provide for the payment of the expenses of this Convention, if any there be then remaining unpaid.

Sec. 18. The first Legislature shall meet at 12 o'clock meridian, at the seat of government, on the fourth Monday after the proclamation of the President, declaring Washington to be a State of the Union—shall effect an organization, and thereafter shall meet biennially, at such times and places as may be provided by law.

Sec. 19. Until the Legislature shall otherwise provide, the terms of the Supreme, Circuit and Probate Courts shall be held as is now provided by law for the Supreme, District and Probate Courts of the Territory.

Sec. 20. Until there shall be a new apportionment under the authority of the State, the Senators and members of the House of Representatives shall be apportioned among the several districts as are now or may hereafter be provided by law for members of the Council and House of Representatives of the Territory; and each district shall be entitled to select one Senator or member of the House of Representatives, as the case may be. The Council districts shall be Senate districts and the Representative districts shall be Representative districts of the State.

Sec. 21. The first general election under this Constitution shall be held on the Tuesday next succeeding the first Monday in November, in the year 1880; at which there shall be elected the Governor, Secretary of State, State Treasurer, Superintendent of Public Instruction, Judges of the Circuit Courts, Judges of the Probate Courts, members of the Legislature, Circuit Attorneys, and for each county, three County Commissioners, a County Clerk, Sheriff, Treasurer, County Superintendent of Schools, Surveyor and a Coroner. The terms of office of said officers shall commence on the fourth Monday after the proclamation of the President announcing the admission of the State.

Sec. 22. The Legislature at its first session shall provide by law for the expiration of the terms of all officers first elected and qualified under this Constitution, on a day designated as the commencement of the political year, Provided. The several terms of office shall not be th[illegible] lessened

nor extended more than one political year.

Sec. 23. In the event that the State shall not be admitted before the Tuesday next succeeding the first Monday in November, 1881, there shall be a general election on that day for all officers under this Constitution, whose terms of office shall commence and continue as is provided for the terms of those elected in November 1880. In the event of non-admission before the same date in 1882, a similar election shall be held on the Tuesday succeeding the first Monday in November of that year, and annually thereafter on the same date, until the State shall be admitted, and no further notice of said elections shall be required; and the terms of office shall commence at a like time, and be controlled in a like manner. The elections shall be held, votes canvassed, returns made and results declared as hereinbefore provided for the first election. The right of all persons who may be elected to office at any election prior to the admission of the State shall be absolutely controlled by the provisions of this Schedule, and the right to take any office because of any election held prior to such admission shall belong only to those persons who may have been elected at the general election next preceding the admission of the State.

Sec. 24. This Constitution when enrolled and signed shall be deposited by the President of this Convention in the office of the Governor of the Territory; and in the event of its adoption by the

people, the Governor shall send a copy thereof to the President of the United States, with the request that he submit the same to Congress, together with our request that the State of Washington be admitted into the Union. There shall at the same time be sent a copy of the Act of the Legislative Assembly of this Territory entitled, "An Act to provide for calling a convention to frame a Constitution for a State of Washington and submitting the same to the people for ratification or rejection;" approved November 9th 1877, and also a certified abstract of the votes cast for and against this Constitution.
if the same be adopted by the said electors it shall become the Constitution of the State of Washington. On such of the ballots as are for the Constitution shall be written or printed the words, "For Constitution", and on such as are against the Constitution, the words "Against the Constitution." The election shall be conducted in the manner now prescribed by law for the election of Delegate in Congress, and the votes counted and returned to the Secretary of the Territory in the same manner and at the same time as are the votes for said delegate. The Secretary shall canvass and make known the result by a certificate published, to that effect within sixty days after said election. The several elections provided for in this schedule shall be conducted according to the existing laws of the Territory, Provided, that no elector shall be entitled to vote except in the town ward or precinct where he resides.

Sec. 25. In the event that the Congress of the United States shall designate in the Act of admission or an Act other and different boundaries for this State than those defined in this Constitution we the people of the Territory of Washingt in convention assembled do hereby empower the first Legislature of the State to pass a law of assent to such change; which law shall define the boundaries as prescribed in the act of Congress, and when so passed and approved by the Governor, shall form part of this Constitution.

The Journal of this Convention shall be deposited by the President in the office of the Secretary of the Territory.

Sec. 26. This Constitution shall be submitted to the qualified electors of the counties of Nez Perce, Idaho, and Shoshone, in Idaho Territory or that portion of them embraced in the boundaries as defined in this Constitution on the Tuesday next after the first Monday in November 1878 for their adoption or rejection. William Ewing and Hazen Squier of Nez Perce county, J. M. Crooks and Frank Fenn of Idaho county, and — Bradley of Shoshone county are hereby appointed a Board of Commissioners any three of whom shall constitute a quorum and may fill any vacancy that may occur in said Board; which Board shall have an office at Lewiston, Idaho Territory for the transaction of the business of said Board; and shall have full [illegible] to appoint judges and

clerks in each and every precinct throughout those counties above named for said election; and the full returns of the votes in all the precincts in those counties shall be made by the respective judges and clerks of election so appointed, under oath, to the said Board of Commissioners at Lewiston; which Board shall open said returns, canvass the votes and certify the result of the same, and transmit said result to the Secretary of Washington Territory at Olympia W. T., on or before the first day of January, 1879; and the return so made to the Secretary of Washington Territory shall be canvassed separately, and the result thereof declared.

The said Board of Commissioners shall give at least ten day's previous public notice of each of said elections in each and every precinct in said counties by publication in some newspaper circulating therein and by posting printed notices thereof at the places of holding the election.

The members of said Board of Commissioners and the several judges and clerks of election shall severally take and subscribe an oath before some person authorized to administer oaths, to well and truly discharge the duties of their respective offices; which Oaths shall be transmitted, with the returns of said election, to the said Secretary.

In the event the boundaries defined in this Constitution are accepted and adopted by Congress, all laws then in force in that portion of Idaho Territory included within said bound[aries] [illegible]

with this Constitution shall continue in force until altered or repealed.
All officers exercising their functions of office under the laws of Idaho Territory in the counties of Nez-Perce, Idaho and Shoshone, or that portion of them embraced in the boundaries defined in this Constitution, when this Constitution takes effect, shall continue in office and in the exercise of their respective duties and authority until superceded by the State authorities.
In the event Congress shall include within the boundaries of this State any portion of the Territory of Idaho, the provisions of this Schedule, in so far as they are applicable shall apply to said portion and to the people thereof. The Legislature shall have power to pass laws assenting to and confirming such provisions as may be made by Congress in order to the conservation of public and private rights of every kind and nature whatsoever, founded upon existing law, or growing out of the change in the political relations of that portion of Idaho, or of the municipal divisions thereof, or of the people who may be included within the boundaries of this State.
The State of Washington hereby pledges its faith to pay to the Territory of Idaho the just proportion of territorial indebtedness, for which the said people, or the counties, or other municipalities, shall be justly bound.
On motion the article was laid on the table and ordered printed

Mr Lacy from committee on Contingent Expenses reported that the Committee had examined and found correct the bill of L. B. Noble as Engrossing Clerk for 8 days service from July 10th 1878 to July 17th 1878 inclusive at $4 per day — $32.00 and the bill of A. P. Sharpstein for 8 days service as Messenger @ $3. per day — $24.00 and recommend their payment.
On motion of Mr O'Dell the report was adopted and the President authorized to issue certificates for the amounts.

Mr O'Dell moved to go into Committee of the whole on the article entitled Schedule. lost—

On motion of Mr Larrabee the Convention adjourned.

Thirty Second Day
Thursday July 18th 1878

The Convention met at 9 oclock A. M. Mr President in the chair. Roll called, members all present. Journal of yesterday read and approved.
Proceeding to the order of

Reports of Committees

Mr Larrabee from committee on Revision and Arrangement submitted the following

Report

Mr President:
Your Committee on Revision respectfully report the following ...

Distribution of Powers

Sec. 1. Strike out "The powers of"
Sec. 2. Insert "in" after the word "offic

Officers

Sec. 1. Strike out the period after the word "qualified" and insert a Semi-colon.
Sec. 3. Strike out the words, "or capable of holding" and insert "a" before the word "Pardon"
Sec. 11. Strike out Section 11 being provided for in Sections 3 and 8 of article on "Officers".
Transfer Section 13 of the article on "Education" and make it Section 11 of the article on "officers" and to amend to read as follows—

Section 11. Salaries shall be paid quarterly. The Governor, Secretary of State, State Treasurer, and State Superintendent of Public Instruction, shall each receive one thousand five hundred dollars per annum. The Judges of the Supreme and Circuit Courts shall each receive two thousand dollars per annum. The salary of Circuit Attorney shall not exceed one thousand dollars per annum.

Administrative

Sec. 1. Insert the words "of the State" after the word "Electors", and strike out the words— "at the times and places of choosing the members of the Legislature". Insert "State" before "Treasurer" and "State" before "Superintendent"
Sec. 2. Strike out the words "of the St Strike out "assigned him" and insert the word "prescribed"
Sec. 3. Strike it out, it being more fully provided for in the article

entitled "Miscellaneous".
Sec. 5. Strike out the Section and insert in lieu thereof the following—"No person shall hold the office of State Treasurer for two successive terms"
Sec. 6. Strike out "assigned them" and insert "prescribed". Insert the word "the" before the words "election of members". Strike out "County" before "Superintendent" "Surveyor", and before "Assessor".
Section 10. Strike out the words "and the person appointed shall hold such office for the remainder of the term". Strike out "either of the" and insert "any". Strike out "officers" and insert offices.

Amendments

Section 2. Strike out "or change"—and insert "or" after revise. Strike out "for representatives" and insert "general" before "election".

Eminent Domain

reported without amendment—
(Signed) Chas H. Larrabee
Chairman

There being no objection the amendments recommended by the Committee on Revision were adopted unanimously.

On motion of Mr Andrews the article entitled

Schedule

was taken from the table read the first and second times, and the Convention resolved into Committee of the whole thereon Mr O'Dell in the chair.
At 12 oclock M. on motion of Mr Gilmore the Committee rose. Mr President resumed the chair and the Chairman of the Committee (Mr O'Dell) [illegible]

had not completed its consideration of the article and asked leave to sit again.

On motion of Mr Steward leave was granted.

On motion of Mr O'Dell the Convention took a recess until two oclock P.M.

Afternoon Session

The Convention reassembled, at 2 oclock P.M.

Roll called and Messrs Lacy and George noted as absent.

On motion of Mr Bradshaw the Convention was resolved into Committee of the whole on the article entitled Schedule, (Mr O'Dell) in the chair.

At 4 30 P.M. On motion of Mr Larrabee the Committee rose, Mr President resumed the chair and the Chairman of the Committee (Mr O'Dell) reported that the Committee had not concluded its labors and asked leave to sit again.

On motion of Mr Steward leave was granted.

On motion of Mr Hannah the Convention adjourned.

Thirty Third Day

Friday July 19, 1878

The convention met at 9 oclock A.M.
Mr President in the chair.
Roll called, all the members present.
Journal of yesterday read and approved.
Proceeding to the order of Unfinished Business.
On motion of Mr Eldridge the convention was resolved into Committee of the whole on the

Schedule

Mr O'Dell in the chair.
At 11³⁰ A.M. on motion of Mr Larrabee the Committee rose.
Mr President resumed the chair and the chairman of the Committee (Mr O'Dell) reported that the Committee had not concluded its consideration of the article and asked leave to sit again.
On motion of Mr Eldridge leave was granted.

On motion of Mr Eldridge the Convention took a recess until 1³⁰ P.M.

Afternoon Session

The Convention met at 1³⁰ P.M.
Roll called and absentees noted as follows — Messrs Lacy and Wait
Mr Larrabee from Committee on Revision submitted the following

Report

Mr President:
The committee on Revision and arrangement have considered the article entitled Suffrage and Elections and recommend the followi[illegible]

line of section 5 after the word "held" insert the word "biennially" also strike out the word "following" and insert the words "next succeeding". also strike out the words "and biennially thereafter"

(Signed) Chas. H. Larrabee
Chairman

There being no objection to the amendments recommended by the committee the same were unanimously adopted.

On motion of Mr George the Convention was resolved into Committee of the whole on the Schedule; Mr O'Dell in the chair.

At 5 oclock P.M. on motion of Mr Larrabee the Committee rose. Mr President resumed the chair and the chairman of the Committee (Mr O'Dell) submitted the following

Report

Mr President:

The committee of the whole to whom was referred the article entitled Schedule have had the same under consideration and recommend the adoption of the following amendments -

Strike out the 1st 2nd and 3rd Sections of the article.

In the 3rd line of section 4 strike out the word "and" and insert after "school" the words "and road". In the 4th line strike out the word "be" and insert "have been".

In 1st line of Section 6. Strike out the word "or" and insert "and" also strike out the word "according" and insert the words "which have accrued or may hereafter accrue".

[illegible] 2d line strike out the

word "accrue" and insert the word "inure" also strike out the words "the use of"

In the 2nd line of section 7. Strike out the word "permanent". In the 3rd line Strike out the words "people of" and insert "Territory of"

In the 4th line of Section 7 strike out the word Territory and insert the words "county or" before the word "municipal" also strike out the word "their" and insert "its"

In the 5th line strike out the words – "to the Governor".

In the 6th line strike out the words – "in the name of the State"

In the 8th line after the word "description" strike out "of" and insert "belonging to."

In the 19th line strike out "may" and insert "shall"

In the 20th line strike out "any" and insert "such" also strike out – "which may have" and insert "having"

Section 8.

Strike out all the section after the word "received" in the 4th line and insert the following:–

"On the taking effect of this Constitution all officers thereby continued in office, shall before proceeding in the further discharge of their respective duties, take an oath or affirmation to support this Constitution. All vacancies that may occur in existing offices prior to the election and qualification of officers under this Constitution shall be filled in the manner

now [illegible]

Sec. 10. After the word "officers" in the 1st line insert — "members of the Legislature"

In the 3d and 4th lines strike out "President of the United States shall by proclamation announce the admission of the State into the Union" and insert "first general election" — also strike out "fourth" and insert "seventh".

In the 5th line strike out the words "take the oath of office" and insert "qualify", strike out "ten" and insert "twenty" also strike out "thereafter" and insert "after said seventh Monday"

Section 11

Add to the section the following:— "The seals of municipal and all county officers of the Territory shall be the seals of such municipalities and officers respectively under the State until otherwise provided by law"

Section 15.

The following words to be added to the section —

The Judges and Inspectors of election who shall have been appointed by the County Commissioners of the several counties of the Territory, to hold and conduct the general election next preceding the time of holding the first general election under this Constitution shall be and are hereby appointed Judges and Inspectors of the first election as provided in Section 24 in this Schedule with power to fill vacancies as provided by law

Section 17. In the first line strike out there and insert "its".

Section 18.

In the 2nd line strike out "fourth" and insert "seventh". Strike out the words - "proclamation of the President, declaring Washington to be a State of the Union" and insert - "first general election"

Section 20.

- After the word "as" in the 2nd line strike out all down to and including the words may be in the 5th line and insert the following:- " The county of Walla Walla shall constitute the first Senate District.

The counties of Columbia Whitman and Stevens shall constitute the second Senate District.

The counties of Clarke, Skamania, Yakima and Klickitat shall constitute the third Senate District.

The counties of Cowlitz, Wahkiakum and Pacific shall constitute the fourth Senate District.

The counties of Thurston and Lewis shall constitute the fifth Senate District.

The counties of Pierce, Mason and Chehalis shall constitute the sixth Senate District.

The county of King shall constitute the Seventh Senate District.

The counties of Kitsap Snohomish and Whatcom shall constitute the Eighth Senate District.

The counties of Jefferson, Clallam, Island and San Juan shall constitute the ninth Senate District.
Each senate district shall be entitled to elect one Senator.

The counties of Cowlitz and Wahkiakum shall elect one Representative.
The county of Cowlitz one
The county of Clarke two
The county of Columbia three
The counties of Klickitat and Skamania one
The county of Lewis one
The county of Thurston two
The counties of Pacific and Chehalis one
The county of Pierce one
The counties of Pierce and Mason one
The County King three
The county of Snohomish one
The county of Kitsap one
The county of Jefferson one
The county of Kitsap and Jefferson one
The county of Whatcom two
The counties of Clallam and San Juan one
The county of Island one
The county of Whitman two
The county of Walla Walla four
The county of Yakima one and
The county of Stevens one.

Section 21.

In the 2d line strike out the word "first" and insert sixth — also strike out the words "in November in the year 1880" and insert "after the admission of the State."

Strike out the last sentence of the section and insert "And no further notice of said election shall be required."

Section 23

Strike out the Section.

Section 24.

In the 5th line after the words — "there shall" insert — "be sent" and Strike out "be sent" after the word time. After the word "situation" in the 9th line to and including the 19th line incorporate in a new section to be called

Section 25

And to begin with the following words:— "This constitution shall be submitted at an election to be held on the Tuesday next succeeding the first Monday in November 1878 for adoption or rejection to the qualified electors of this Territory" Strike out the Proviso in the 18th and 19th lines of the new Section 25 — to wit:— Provided, that no elector shall be entitled to vote except in the town ward or precinct where he resides,"

Section 26. (originally Section 25)

Strike out all the section down to and including the 6th line and insert the following:— "In the event that the Congress of the United States shall designate in the act of admission, the present boundaries of the Territory of Washington as the boundaries of the State, we, the people of said Territory, by our Delegates in Convention assembled do hereby assert thereto"

Section 27 (originally Section 26)
Fill the blank in the 5th line with the initials "E. H."
In the 11th line after the word Lewiston insert - "within ten days after said election".
In the 12th line after the word "transmit" insert "forthwith"
Strike out all after the words Olympia W. T. in the 13th line down to and including the word "declared" in the 15th line and insert the following - "to be canvassed at the time of canvassing the result of the vote of the people of the Territory of Washington and the separate and aggregate result made known".
In the 23d line strike out the following words - "In the event the boundaries defined in this Constitution are accepted and adopted by Congress"
In line 24 strike out "then" and insert after the word "Territory" the words - "at the time of the admission of the State"
In the 26th and 27th lines strike out the words "the counties of Nez Perce, Idaho and Shoshone or"
In the 27th line strike out "of them" and insert thereof."
In the 28th line strike out the words - "this Constitution" and insert "it"
In the 29th line after the word "authorities" insert the words - "and shall take an oath to support the Constitution of this State."
Strike out the 30th line and insert the following:-
"The first general election for the officers designated in Sections 16 and

21 of this Schedule shall be conducted in every respect according to the existing laws of Idaho Territory, and returns thereof shall be made to the Secretary of the Territory of Washington acting as Secretary of State and shall be canvassed as provided in Section 15 and 16. The counties of Nez Perce, Idaho, and Shoshone shall be counties of the State and shall constitute one Senate District. They shall constitute one Representative District and shall elect three members of the House of Representatives."

In the 31st line strike out the word "Idaho" and insert "All". Strike out "said portion" and insert the words - "that portion of the Territory of Idaho".

In the 32d line after the word "thereof" insert - "included within the boundaries of this State"

In the 34th line strike out the word "existing"

(Signed) Respectfully Submitted
James V. O'Dell
Chairman

On motion of Mr George the report was received and the committee discharged from further consideration of the article

On motion of Mr Larrabee the Convention adjourned until 8 o'clock A.M. tomorrow.

Thirty Fourth Day

Saturday July 20, 1878

Pursuant to adjournment the Convention met at 8 o'clock A.M. Mr President in the Chair.

Roll called and absentees noted as follows; Messrs Eldridge, Lacy and Wait —

Journal of yesterday read and approved.

Proceeding to the order of Reports of Committees, Mr Dennison from Committee No 1 reported the article entitled

Miscellaneous.

Section 1. The political year for the state of Washington shall commence on the ________________________ in each year; and the general election shall be holden on the Tuesday next succeeding the first Monday in November in each year.

Sec. 2. The term "felony" wherever it occurs in this Constitution, or the laws of the State, shall be held to mean any criminal offence punishable by death or imprisonment in the penitentiary, and none other.

Sec. 3. It shall be the duty of the Legislature at its first session, to provide a seal for the State, which shall be kept by the Secretary of State and all official acts of the Governor — his approbation of the laws excepted — shall be thereby authenticated. The Seal of the Territory of Washington shall be the [Seal of the State until otherwise]

provided by law.

Sec. 4. No county, with an area of 900 square miles or less, shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the qualified electors of the county, nor unless a majority of those voting on the question shall vote for the same.

Sec. 5. No county-seat shall be removed until the place to which it is proposed to be removed shall be fixed by law, and a majority of the qualified electors of the county voting on the question, shall have voted in favor of its removal to such place.

Sec. 6. All county officers, whose election or appointment is not provided for in this Constitution, shall be elected by the electors of the respective counties or appointed by the Governor, or by the Board of County Commissioners, or other county authorities, as the Legislature shall direct. All city, town and precinct officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and precincts, or by some division thereof, or appointed by such authorities thereof as the Legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this Constitution, and all officers, whose offices may hereafter be created by law shall

be elected by the people or appointed, as the Legislature may provide.

Sec. 7. All navigable waters within the State shall be and remain public highways, free to all citizens of the State and of the United States, without tax, impost or charge; and no tax, wharfage or charge shall be demanded or received from the owner of any merchandise or commodity, for the use of the shores, or of any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be expressly authorized by law.

Sec. 8. No navigable stream in this State shall be bridged, dammed, or obstructed, by any person or corporation without the authority of law.

Sec. 9. Such parts of the Common law as are applicable to our situation and circumstances and not inconsistent with the Constitution and laws of this State, or of the United States, shall be in force in this State; and - except in the event a law shall be passed conferring any right or imposing any obligation growing out of or founded upon the Civil Law - that law shall be resorted to for rules of interpretation.

On motion of Mr Dennison the article was laid on the table and ordered printed.

Mr Larrabee from the Committee on Revision submitted the following

Report

Mr President:

Your committee on Revision respectfully report as follows—

Article on Executive

Section 1. Insert after the word "power" the words "of the State"

Sec. 2. Strike out "except" and insert "unless he is"

Strike out "who" and insert "and"

Insert "has" before "been" and "for" after "been"

Strike out "an inhabitant" and insert "a resident".

Strike out section 3. = Is provided for in section 10 of "officers"

Sec. 7. Strike out "of Governor"

State Institutions

Sec. 2. Insert "not" before "have" Strike out "no" transpose "change or" unto "locate" "~~[illegible]~~",

Strike out "the" and insert "its"

Strike out "of the seat of government"

Strike out "And"

Strike out "from time to time"

Strike out "the" and insert "a"

Sec. 3. Strike out "as herein prescribed"

Sec. 4. Strike out "The following territorial institutions to wit"

All of which &c

Chas H. Larabee
Chairman

On motion of Mr Eldridge the amendments recommended by the Committee to the Executive Article were adopted—

On motion of Mr Gilmore the amendments recommended by the committee to the article on State Institutions were adopted—

Mr Bradshaw moved that a committee of three on Ordinance be appointed - carried -
The President as such committee Messrs - Bradshaw, Eldridge and O'Dell.

Proceeding to the order of Unfinished business, on motion of Mr Eldridge the article entitled

Schedule

was taken up and the Convention proceeded to consider sere atim the amendments recommended by the committee of the Whole.

The question being upon the adoption of the amendment striking out Sections 1. 2. and 3. - the same was adopted -

The amendments recommended by the committee of the whole to Sections 4. 6. 7. 8. 10. 11. and 15. respectively were severally adopted.

The question being upon the adoption of the first amendment to Section 17. Mr Bradshaw moved to amend the amendment by striking out the word "its" and inserting the word "the" - carried -
Whereupon the Convention concurred in the subsequent amendments to the section recommended by the Committee.

The Convention unanimously adopted the amendments recommended by the Committee of the Whole to Sections 18 and 20.

The question being upon the adoption of the amendments recommended by the ...

to Section 21. On motion of Mr Larrabee the words "and a" in the 6th line were struck out and the words - "and all precinct officers" inserted after the word "Coroner", after which all the amendments recommended by the committee to the section were adopted.

The amendments recommended by the Committee of the Whole to Sections 23 and 24 respectively were adopted.

The question being upon the adoption of the amendments recommended by the Committee of the Whole to new Section 25, Mr Andrews moved to amend the amendment so that the first part of the section shall read as follows:

"This Constitution shall be submitted for adoption or rejection to the qualified electors of this Territory at an election to be held on the Tuesday next succeeding the first Monday in November 1878" motion carried -

On motion of Mr Dennison a call of the Convention was had when all the members answered to their names except Mr Lacy.

The Sargeant at Arms was dispatched for the absent member and in a short time Mr Lacy appeared when, On motion of Mr Andrews, the further call of the Convention was dispensed with -

The question being upon the adoption of the amendment as amended to new section 25, the ayes and noes were called with the following result -

Ayes — Messrs: Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Larrabee, Lacy, Odell, Steward, Wait and Mr President — 14

Noes — Mr Hannah — 1
So the amendment was adopted

The subsequent amendments recommended by the Committee to Section 25 were adopted —

The question being upon the amendment recommended by the Committee to Section 26 to strike out and insert, the question was first put upon the motion to strike out and was carried. The question next being to insert the amendment recommended by the committee the ayes and noes were taken thereon with the following result —

Ayes — Messrs — Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, Larrabee, Odell, Steward and Mr President — 10

Noes — Messrs George, Henry Hannah, Lacy and Wait — 5
So the amendment was adopted.

Mr Larrabee moved to adopt the amendment recommended by the Committee to strike out after "Olympia W.T." in line 13 and insert —

Mr George moved the adoption of the following substitute for the words recommended to be inserted by the Committee — to wit: —

"Who shall canvass the same in connection with the votes return[illegible]

immediatly certify the result to the Governor who shall duly publish the same by proclamation"

Mr Eldridge in the chair —
Mr Abernethy moved the adoption of the following amendment to the amendment recommended by the Committee — Insert after the word "result" in the amendment the words — "of the votes in both Territories" —

The question recurring upon Mr George's substitute the ayes and noes were called thereon with the following result

Ayes — Messrs; Dennison, Eldridge, Gilmore, George, Henry, Hannah, and Wait — 7

Noes — Messrs; Andrews, Bradshaw, Emery, Larrabee, Lacy, O'Dell, Steward and Mr President — 8

So the substitute was lost —
The question being upon the adoption of the amendment as amended recommended by the Committee of the whole, the ayes and noes were called with the following result

Ayes — Messrs; Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 14

Noes — Mr Hannah — 1

So the amendment was adopted —
On motion of Mr Larrabee the words — "at the time of the admission of the State" recommended as an amendment to line 24 were insert[illegible] after the [illegible]

"boundaries" in said line—

The several amendments recommended by the Committee in lines 26, 27, 28 and 29 were adopted,

All the amendments recommended by the Committee to lines 30, 31, 32 and 34 were adopted.
The several amendments recommended by the committee in lines 5, 11, 12, 23 and 24 were adopted—

On motion of Mr Larrabee Section 17 was struck out.

Mr Andrews moved to strike out the last 3 lines of Section 27

Mr President resumed the chair
Mr Eldridge moved to amend the said three lines by adding the following words—"And in the levying of taxes a separate and additional tax of half a mill on every dollar of assessed valuation of property within the counties of Nez Perce, Shoshone and Idaho shall be annually imposed and collected in the same manner as other taxes are collected, until an amount equal to said indebtedness shall have been so collected"—

Mr Bradshaw moved to amend the amendment by adding the words "But the Legislature of the State may relieve those counties from its full payment". motion lost—

Mr Andrews withdrew his motion to strike out and the

question being on the adoption of the amendment proposed by Mr Eldridge the same was put to vote of the convention and carried —

Mr Larrabee moved to amend Section 25 as follows — In the 15 and 16 lines strike out "make known" and insert "certify" In the 16th line strike out the words by a certificate published to that effect and insert "to the Governor" and insert after the word "election" the words "Who shall thereupon make known the result by proclamation".
motion carried

On motion of Mr Eldridge the convention adopted the following words to be inserted in Section 15 before the first word in line one — to wit;
"The County Auditors of the several counties shall provide poll books, tally lists, and forms of oath of office, for Inspectors Judges and Clerks of Election for the first State election under this Constitution in the same manner as is now provided for by law".

Mr Hannah moved to amend Section 20 so that the counties of Yakima, Klickitat and Skamania may elect one Senator.

Mr Larrabee raised the point of order that the portion of the Section proposed to change was itself an amendment recommended by the committee of the whole and adopted in Convention and that the motion of Mr Hannah was therefore out of order until the vote adoption of the [illegible] amendment

was reconsidered —
Mr President decided the point of order well taken — Mr Hannah appealed from the decision of the chair and the question being shall the decision of the chair be sustained, the ayes and noes were called with the following result

Ayes — Messrs Andrews, Bradshaw, Eldridge, Emery, Larrabee, Lacy and Wait — 7

Noes — Messrs: Dennison, Gilmore, George, Hannah, O'Dell & Steward — 6
Absent Mr Henry — 1
So the decision of the chair was sustained.

On motion of Mr Gilmore the Convention took a recess until 1[30] P.M.

Afternoon Session

The convention reassembled at 1[30] P.M.
Roll called and absentees noted as follows; Mr Bradshaw.
Resuming consideration of the Schedule
Mr Dennison moved to reconsider the vote by which the amendment inserted in Section 26 was adopted.

On motion of Mr Larrabee a call of the Convention was had and the members all found present except Mr Bradshaw — whereupon the Sargeant at Arms was dispatched for the absent member. After a time officer appeared with Mr Bradshaw, when on motion of Mr Dennison the further call of Convention was

dispensed with —

The question being on Mr Dennison's motion to reconsider the ayes and noes were called with the following result:

Ayes — Messrs: Dennison, Eldridge, Gilmore, George, Henry, Hannah, Lacy, O'Dell, Steward and Wait — 10

Noes — Messrs: Andrews, Bradshaw, Emery, Larrabee and Mr President — 5
So the motion to reconsider prevailed.
Mr Andrews was called to the chair.

The question being on the insertion of the amendment recommended by the Committee of the whole to Section 26 to-wit:

"In the event that the Congress of the United States shall designate in the Act of admission, the present boundary of the Territory of Washington as the boundaries of this State, We, the people of said Territory by our Delegates in Convention assembled, do hereby assent thereto."

Mr President resumed the Chair and the ayes and noes were called on the amendment with the following result.

Ayes — Messrs: Andrews, Bradshaw, Eldridge, Emery, Larrabee, Lacy, Steward and Mr President — 8

Noes — Messrs: Dennison, Gilmore, George, Henry, Hannah, O'Dell and Wait — 7
So the amendment was adopted.
On motion of Mr Henry the article was ordered engrossed for 3d Reading.

On motion of Mr Eldridge the Convention adjourned.

Thirty Fifth Day
Monday July 22. 1878

The Convention met at 9 oclock A.M. Mr President in the chair. Roll called and absentees noted as follows Messrs Lacy and Leland the latter reported sick

Prayer by Rev. Mr Eagan.

Journal of yesterday read, corrected and approved.

Mr Emery from Committee on Engrossed Articles submitted the following

Report.

Mr President;

Your Committee on Engrossed Articles, would report that they find the article entitled Schedule has been properly Engrossed.

H. B. Emery
Ch. Com.

On motion of Mr Steward the report was received and the committee discharged from further consideration of the article

Mr Larrabee from Committee on Revision submitted the following

Report

Mr President;

Your Committee on Revision respectfully report the article on Legislative with the following amendment.

Section 23 Strike out "of the State" in the third line of sec. 23

Respectfully &c.
Chas. H. Larrabee
Chairman

There being no objection to the amendment recommended by the committee the same was unanimously adopted.

Mr Bradshaw from the committee on Ordinance submitted the following

Report

Mr President

Your committee to whom was referred the subject of Ordinance submit the sub-joined Articles and recommend their adoption

C. M. Bradshaw
James V. O'Dell
Edward Eldridge

The people of the Territory of Washington together with that portion of the people of the Territory of Idaho included within the proposed boundaries as defined by this Constitution, by their delegates in Convention assembled do ordain and declare,

First; That the people inhabiting said Territory adopt the Constitution of the United States as the supreme law.

Second; Perfect toleration of religious sentiment shall be secured and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Third; The people of the Territory

proposed State as set forth in this Constitution, by their Representatives in Convention assembled do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposal of the United States That the lands belonging to citizens of the United States residing without the State shall never be taxed higher than the lands belonging to residents thereof; and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States, That these three sections shall be irrevocable without the consent of the United States and the people of the State of Washington.

On motion of Mr Larrabee the report was accepted and the committee discharged.

The Ordinance articles were read a second time and Mr Hannah moved to amend the third article by inserting after the word "territory" the words - "except the tide lands"

On motion of Mr Bradshaw the articles were laid on the table

Mr Larrabee submitted the following

Resolution

"Resolved that the printing 5000 copies of this Constitution and address in pamphlet form for distribution, shall be let by contract to the lowest responsible bidder after 10 days public notice That the President of this Convention

be and is hereby authorized to procure the work to be done and that a sum of money sufficient to pay the cost of such printing as well as of the distribution of the printed copies in equal proportion among the members of this Convention, is hereby appropriated to pay for the same"

On motion of Mr George the resolution was referred to a special Committee with instructions to report tomorrow morning relative to the cost of such printing.

Mr Larrabee submitted the following

Resolution

"Resolved; that a committee of three of which the President shall be one, and be Chairman, be appointed to prepare an address to the people, which shall be printed with the Constitution for Distribution"

On motion of Mr Hannah the resolution was referred to the special committee above provided for with instructions to report.

On motion of Mr Steward the article entitled Rights of Married Women and Exemptions was taken from the table, read first and second times and the Convention resolved into Committee of the Whole thereon, Mr Larrabee in the chair.

At 12 oclock M, on motion of Mr O'Dell the committee rose, Mr President resumed the chair and the chairman of the committee (Mr Larrabee) sub-

mitted ...

Report

Mr President;

The committee of the whole to whom was referred the article entitled "Rights of married women and Exemptions" have considered the same and recommend the adoption of the following amendments —

Section 1. Strike out "and" before descent in 2d line and insert "or."

After "control" in the 3d & 4th lines insert "right to."

After Joins in, the 5th line insert "with her." —

Sec. 2. Strike out the following words — "And laws shall also be passed, providing for the registration of so much of the wifes separate property as she claims exempt from the debts of her husband"

After the word husbands in the 2nd line insert the following "But no person of sound and disposing mind and memory shall be denied the right of disposing of his or her interest in the common property to his or her own child or children by last will and testament, subject to debts, funeral expenses and expenses of administration, nor shall such right be abridged."

Sec. 3. Strike out "one" in the 2nd line and insert "two." —

Strike out in lines 2 and 3 the following; "Unless such execution be issued on a judgment rendered for the purchase money of such homestead"; Strike out all the section after "homesteads" in 4th line.

Add the following new section: Four

"The homestead provided for in this article shall enure to the minor children under the exemptions herein provided, after the decease of the parents."

Add the following new Section five: "The" legislature may also make suitable exemptions in favor of single persons and persons not heads of families."

Respectfully Submitted

<Signed> Chas H. Larrabee
Chairman

On motion of Mr Eldridge the report was received the committee discharged from further consideration of the article and the amendments recommended by the committee adopted.

On motion of Mr Bradshaw it was unanimously agreed to amend Section 8 of the Legislative article by striking out the word "three" and inserting the word "four". So the article was amended accordingly.

On motion of Mr ODell the convention took a recess until 2 oclock P.M.

Afternoon Session

The Convention reassembled at two oclock P.M.

Mr Larrabee from the committee on Revision submitted the following

Report.

Mr President

Your committee on Revision report the following amend-
ment [illegible]

Judiciary

Section 6. Strike out "each of" and also - "shall receive a salary payable quarterly of — dollars, they" - insert "not" after "shall" in 2d line strike out "no" in 3d line -

Respectfully Submitted
(Signed) Chas H. Larrabee
Chairman

There being no objection the amendments recommended by the committee were unanimously adopted.

The President appointed Messrs George, Andrews, and Steward, a special committee to consider and report pursuant to the resolutions introduced at the forenoon session relative to printing 5000 copies of the Constitution &c.

On motion of Mr George the President was added to the committee.

Mr Larrabee moved to amend section 17 of the Legislative article by striking out of line 8 the words - "the protection of game or". The article having passed its third reading and requiring a unanimous consent to amend and there being one dissenting vote the motion was lost.

Mr Larrabee moved to strike out in same line and section the words - "the protection of game or shell fish" and there being one dissenting vote (Mr George) the motion was lost.

Mr George moved to reconsider the vote by which the Schedule was ordered to a third reading - Mr Larrabee raised the point of order that the rules of the

Convention would not permit amendment after engrossment except by unanimous consent and that the motion to reconsider was therefore out of order because unnecessary to the motion to amend by unanimous consent.

The President decided the point of order well taken. Whereupon Mr George moved the adoption of the following amendments to Section 20 of the Schedule as Engrossed to-wit:

Insert after the word "Constitution" in the 1st line of Section 20 the words— "and Separate article No 1 and separate article No 2 and separate article No 3." and after the word "Constitution" in the 13th line the words – and on such of the ballots as are in favor of separate Article No 1", the words "for separate article No. 1." and such as are against Separate Article No. 1. the words "against Separate article No 1". and also on such ballots as are in favor of Separate Article No 2. the words "For Separate article No 2" and such as are against separate article No 2. the words "against Separate Article No 2." and also on such ballots as are in favor of Separate Article No 3 the words "For Separate Article No 3." and on such as are against Separate article No 3. the words "Against Separate article No 3."

The amendments being put to vote of the Convention were unanimously adopted. The Convention resumed consideration of the article

Rights of Married Women and Exemptions.

Mr Emery moved to strike the article from the Constitution. Lost.

Mr Dennison moved to amend Section two of the article by adding the following words.

Laws shall also be passed enabling married women to make and inforce contracts relating to their personal rights and safety; and to bring and maintain actions in their own right for all injuries done to their person and personal rights.

The ayes and noes were called on this motion as follows:

Ayes - Messrs: Dennison, Eldridge, Gilmore, Henry, Lacy, Steward, Wait and Mr President — 8

Noes - Messrs: Andrews, Bradshaw, Emery, George, Hannah, Larabee, and O'Dell — 7

So the amendment was adopted.

Mr Dennison moved the adoption of the following amendment to be inserted after the word "descent" in the 2nd line of Section 1, to wit; "and the fruits of all actions for injuries to her person and personal rights."

Mr O'Dell moved the adoption of the following amendment to the motion — "Provided that the husband shall not be held responsible for any costs which may be incurred on her account in the prosecution of her said actions.

Mr Dennison accepted the amendment

Mr Larrabee moved to further amend by adding the words— "Nor shall the common property of the said husband and wife be liable for the said costs."

Mr George moved as a substitute for Mr Larrabee's motion the following: "Provided all costs and expenses of such action shall be paid out of said fruits only"— On this motion the ayes and noes were called as follows;

Ayes— Messrs: Bradshaw, Emery George Hannah, Larrabee, O'Dell, and Mr President — 7

Noes— Messrs: Andrews, Dennison Eldridge, Gilmore, Henry, Lacy Steward and Wait — 8
So the motion was lost—

The question recurring on Mr Larrabee's amendment the ayes and noes were called thereon with the following result—

Ayes— Messrs: Andrews, Bradshaw, Eldridge, Emery, George, Hannah, Larrabee, Lacy, O'Dell, Wait and Mr President — 11

Noes— Messrs: Dennison, Gilmore, Henry and Steward — 4
So the amendment to the amendment prevailed—
The question being upon the adoption of Mr Dennison's amendment as amended the ayes and noes were called with the following result—
Ayes— Messrs: Dennison, Eldridge, Gilmore [illegible] — 5

Noes - Messrs: Andrews, Bradshaw, Emery, George, Hannah, Larrabee, Lacy, O'Dell, Wait and Mr President 10
So the amendment was rejected -

Mr Gilmore moved to insert the word "grant" before the word "gift" in the 2nd line of Section 1.
Mr Dennison moved to amend the amendment by inserting also the word "bequest" this amendment accepted. A division of the motion was called for and the question being first on the motion to insert the word "grant" the ayes and noes were called as follows -
Ayes - Messrs: Dennison, Eldridge, Gilmore, and Steward - 4

Noes - Messrs: Andrews, Bradshaw, Emery, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Wait and Mr President - 11
So the amendment was rejected.
The question next being upon the motion to insert the word "bequest" the same was carried.
Mr Eldridge moved the following substitute for Section 5.

The Legislature may also by law exempt other property belonging either to the head of a family or to other persons, from forced sale on execution.
Substitute adopted -

Mr George moved to insert the following new section -
The husband shall have the sole control of the common property with the absolute right of disposition of the same as of his

Mr Dennison moved to amend the proposed new section by adding thereto the following - "excepting the homestead and other property exempted for the benefit of the family"

Mr George accepted that part of the amendment relating to the homestead - and the question being upon the balance of the amendment. The ayes and noes were called with the following result -

Ayes - Messrs: Bradshaw, Dennison, Eldridge and Henry — 4

Noes - Messrs: Andrews, Emery, Gilmore, George, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 11

So the amendment to the new section was lost —

The question being on the adoption of the proposed new section, the ayes and noes were called as follows —

Ayes - Messrs: Andrews, George, Hannah, Larrabee, O'Dell, Wait and Mr President — 7

Noes - Messrs: Bradshaw, Dennison, Eldridge, Emery, Gilmore, Henry, Lacy and Steward - 8

So the proposed new section was rejected

Mr Larrabee moved the adoption of the following substitute for Sections 3, 4 and 5.

The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale.

of any debt or liability hereafter contracted,

On this motion the ayes and noes were called with the following result—

Ayes— Messrs: Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hamah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 15

Noes — None —

So the substitute was adopted

Mr Henry moved the adoption of the following substitute for Sections 1. & 2,

Sec. 1. The Legislature may pass laws defining the personal and property rights of married women,

Mr Larrabee moved the adoption of the following substitute for the substitute—

"All property real and personal of the wife owned by her at the time of marriage and also that acquired by her after marriage by gift, devise, bequest, descent, or otherwise than from her husband, shall be her separate property. Laws shall be passed providing for the registry of the wifes property and more clearly defining the rights of the wife thereto, as well as to property held by her with her husbands, and for carrying out the provisions of this Section. Where the wife has a separate property from that of the husband, the same shall be liable for the debts of the wife

motion lost — Mr Dennison moved to insert the word "shall" in place of "may" in the first line of Mr Henry's substitute — amendment accepted —

The question being upon the Substitute the ayes and noes were called with the following result —

Ayes — Messrs: Andrews, Bradshaw, Dennison, Eldridge, Emery, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward Wait and Mr President — 15

Noes — None —

So the substitute was adopted.

On motion of Mr Henry the article as amended was adopted

On motion of Mr Eldridge the article was considered as engrossed and read third time and the question being shall the same pass, the ayes and noes were called with the following result —

Ayes — Messrs: Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Henry, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 14.

Noes — Mr Emery — 1

So the article passed.

By unanimous consent Mr Larrabee from the committee on Revision reported the article without amendment —

On motion of Mr Bradshaw the report was received and the committee discharged from further consideration of the article.

Mr Bradshaw moved that the

article be incorporated in the article entitled Legislative
carried unanimously.

On motion of Mr George the article entitled
Miscellaneous
was taken from the table read first and second times and the convention resolved into committee of the whole thereon, Mr Andrews in the chair—

At 5 oclock P.M. on motion of Mr Gilmore the committee rose Mr President resumed the chair and the chairman of the committee (Mr Andrews) submitted the following

Report

Mr President:

The committee of the whole to whom was referred the article entitled Miscellaneous have had the same under consideration and recommend the adoption of the following amendments.

Section 1. Strike out "in each year" in the 3d line.

Section 3. Insert after the word "state" in the 1st line the words "to be called the Great Seal of the State of Washington"

Sec. 5. Strike out in the 1st and 2d lines the words "the place to which it is proposed to be removed shall be fixed by law and"—

Strike out the words—"to such place" in the 3d line—

Section 7. Strike out all the section after the word "charge" in the 2nd line—

Insert between sections 8 & 9 the following new section. 9,

"The Legislature may by general laws submit to the qualified electors of the several counties in this State at each general election, the question of the prohibition of the sale or disposal of Spirituous liquors in quantities less than one gallon, except for medicinal or mechanical purposes, and if a majority of all the votes cast in any county shall be against granting license for the sale of spirituous liquors therein, there shall be no license granted in such county until the question shall have been again submitted at a general election, and a majority of all the votes cast in such county be in favor of granting such license."

In the 3d line of section 9 of the printed article strike out "and except" and insert "but"

After "interpretation" in the 5th line insert "and decision."

Respectfully Submitted

(Signed) L. B. Andrews
Chairman.

On motion of Mr Eldridge the report was received and the committee discharged from further consideration of the article

Mr Henry asked leave of absence for the remainder of the session and on motion of Mr Bradshaw the same was granted.

Further on motion of Mr Bradshaw the convention adjourned.

Thirty Sixth Day
Tuesday July 23rd 1878

The convention met at 9 oclock A.M. Mr President in the chair. Roll called and absentees noted as follows:
Messrs Emery Leland and Henry. Journal of yesterday read and approved. Mr Lacy from committee on contingent Expenses submitted the following report —
Mr President:
The committee on expenses have had under consideration the actual expense account of Francis Henry Esq. member from Thurston county and find the sum of $62.00 due him therefore and recommend the payment of the same

O. P. Lacy
Chairman Com.

Also bill of L. B. Noble for 6 days services as Engrossing Clerk to July 23rd —— $24.00

On motion of Mr Eldridge the report was received, the amounts allowed and the President authorized to issue his certificates for the several amounts.

Mr Larrabee from Committee on Revision submitted the following — Report.

Mr President:
Your committee on Revision respectfully report back the article on Finance, without amendment.

Chas H. Larrabee
Ch[illegible]

Mr George from special committee appointed to report relative to printing the Constitution and address to the people reported the Resolutions on that subject without recommendation –

On motion of Mr Larrabee the report was received and the committee discharged.

Proceeding to the order of business entitled "Resolutions &c" the convention took up the resolution relative to printing 5000 copies of the Constitution

Mr Eldridge moved to amend so that the total cost of such printing shall not exceed $500, –

On motion of Mr Bradshaw the Resolutions were laid on the table.

Proceeding to the order of unfinished business, on motion of Mr O'Dell the article entitled

Schedule

was place upon its third reading.

On motion of Mr Larrabee a call of the Convention was had and Mr Emery noted as absent. The Sargeant at Arms was dispatched for the absent member –

Mr Hannah moved that the call of the Convention be dispensed with.

On this motion the ayes and noes were called with the following result.

Ayes – Messrs: George, Hannah, Lacy, O'Dell and Watt –

Noes — Messrs: Andrews, Bradshaw, Dennison, Eldridge, Gilmore, Larrabee, Steward and Mr President — 8

Absent — Messrs: Emery and Henry. So the motion was lost —

Mr Henry appeared and announced that he had paired with Mr Emery on the question pending relative to the Schedule whereupon on motion of Mr Larrabee the call was dispensed with.

Mr Henry asked leave of absence for the remainder of the session and on motion of Mr O'Dell the same was granted. Leave of absence was also asked for Mr Emery for the remainder of the session which on motion of Mr George was granted.

The question being upon the final passage of the Schedule the ayes and noes were called with the following result.

Ayes — Messrs: Andrews, Bradshaw, Eldridge, Larrabee, Steward and Mr President — 6

Noes — Messrs: Dennison, Gilmore, George, Hannah, Lacy, O'Dell and Wait — 7

Absent — Messrs: Emery and Henry — 2

Mr Emery who would have voted aye was paired with Mr Henry who would have voted no. So the article failed to pass.

Mr O'Dell asked and was granted leave to introduce a Schedule — Whereupon he submitted the Schedule which failed to pass with the following words of

"In the event that the Congress of the United States shall designate in the Act of admission the present boundaries of the Territory of Washington as the boundaries of this State, we the people of said Territory by our Delegates in Convention assembled, do hereby assent thereto."

On motion of Mr O'Dell the rules were suspended and the article considered read the first time.

Mr Lacy moved that the rules be further suspended and the article considered read the 2nd time — On this motion the ayes and noes were called with the following result —

Ayes – Messrs; Dennison Eldridge, Gilmore, George, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 11

Noes – Messrs; Andrews & Bradshaw

Absent – Messrs; Emery & Henry — 2/2

So the motion prevailed – and the article was put upon second reading.

Mr Bradshaw moved to amend Section 21 by inserting the words above recited which were in the original article that failed to pass. On this motion the ayes and noes were called with the following result —

Ayes – Messrs; Andrews, Bradshaw, Eldridge, Larrabee, Steward and Mr President — 6

Noes – Messrs: Dennison, Gilmore, George, Hannah, [illegible] O'Dell [illegible]

Absent – Messrs: Emery & Henry – 2
So the amendment was rejected –

Mr Hannah moved that the rules be further suspended and the article be read a 3rd time, and put upon its passage – On this motion the ayes and noes were called with the following result –
Ayes – Messrs: Dennison Eldridge Gilmore George, Hannah Larrabee, Lacy, O'Dell, Wait & Mr President – 10

Noes – Messrs: Andrews, Bradshaw and Steward — 3
absent – Messrs: Emery & Henry – 2

So the motion prevailed and the rules were suspended accordingly –

On motion of Mr Lacy the reading was dispensed with and the question being shall the article pass, the ayes and noes were called with the following result –

Ayes – Messrs: Dennison Gilmore George, Hannah, Lacy, O'Dell and Wait — 7

Noes – Messrs: Andrews, Bradshaw, Eldridge Larrabee, Steward and Mr President — 6
absent – Messrs: Emery and Henry – 2
So the article passed –

On motion of Mr Larrabee the convention took up the article entitled

Miscellaneous

On motion of Mr Lacy the

committee of the whole striking out the words "in each year" in the 3rd line of Section 1 was adopted—

On motion of Mr George the blank in the 1st and second lines of section 1 was filled with the words "first Monday in January"

On motion of Mr George the word "biennially" was inserted after the word "holden" in the 2nd line of section One.

The question being upon the adoption of the amendment recommended by the committee of the whole to section 5. the same was adopted.

On motion of Mr Gilmore all of section one after the word "year" in the 2nd line was struck out

The question being upon the amendment recommended by the committee to section 7. the same was adopted —

The question being on the adoption of new section 9. recommended by the Committee, the ayes and noes were called with the following result—

Ayes — Messrs: Andrews, Bradshaw Eldridge, Gilmore, Larrabee, and Steward —— 6

Noes — Messrs: Dennison. George Hannah. Lacy. O'Dell. Nait and Mr President —— 7

Absent — Messrs: Emery & Henry — 2

The question being on the adoption of the amendments recommended by the Committee to section 9 of the printed article the same were adopted.
By unanimous consent Mr Lacy from the committee on Contingent expenses was allowed to report recommending the payment of the bill of $72.00 of Mr Emery for contingent expenses.

On motion of Mr Bradshaw the amount was allowed and the President instructed to issue a certificate therefor. Mr Larrabee moved the adoption of the following new section.

Sec. 1. None but citizens of the United States or aliens who have declared their intention to become such in accordance with the laws of Congress shall be employed in or about any public office in this State or in any institution or on any public work prosecuted by the State or by any corporation public or private organized after the admission of the State.
Mr Andrews in the Chair

Mr Lacy moved to amend by striking out all the section after the word "State" in the 3rd line. On this motion the ayes and noes were called with the following result —
Ayes — Messrs: Dennison, Gilmore, George, Hannah, Lacy, O'Dell, Steward and Mr President — 8

Noes — Messrs: Andrews, Bradshaw, [illegible] — 5

Absent — Messrs Emery and Henry — 2
So the motion prevailed and the words were struck out
The question being on the adoption of the proposed new section as amended, the ayes and noes were called with the following result —

Ayes — Messrs; Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President —— 13

Absent — Messrs Emery and Henry — 2
So the proposed new section was adopted
On motion of Mr Eldridge the convention took a recess until 2 oclock P.M.

Afternoon Session

The Convention reassembled at 2 oclock P.M.
Resuming consideration of the article entitled

Miscellaneous

Mr Eldridge moved the adoption of the following new section —
"All patents and grants of lands made by the United States to settlers and purchasers of the tide lands shall be ratified and confirmed by the State" —— adopted —

Mr Eldridge moved the adoption of the following new section —

In the event of the adoption of this constitution and the rejection of the ...

female suffrage the electors of the State may at any future election vote on the question and whenever at any general election a majority of all the votes cast shall be in favor of female suffrag[e] from and after that time all females within this State possessing all the qualifications of electors shall be lawful voters in this State.

Mr Bradshaw moved the adopti[on] of the following substitute;

In the event of the rejection of the separate articles relative to Woman Suffrage, the Legislature may submit the question at any general election to the qualified electors of the State and if a majority of all the votes cast at such election on the question shall be in favor of Woman Suffrage then all women who are citizens of this State and who possess the other qualification[s] of voters shall be qualified elector[s] of the State.

On this motion the ayes and noes were called with the following result—

Ayes— Messrs: Bradshaw, Dennison, Gilmore, George, Larrabee, Lacy, Steward and Mr President— 8

Noes— Messrs: Andrews, Eldridge, Hannah, O'Dell and Wait— 5

Absent— Messrs: Emery and Henry— 2

So the substitute was adopted—

The question being on the proposed new section as substituted the

[illegible]

the following result —
Ayes — Messrs: Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Hannah, Larrabee, Lacy, Steward, Wait and Mr President — 12

Noes — Mr O'Dell — 1

Absent — Messrs: Emery & Henry — 2
So the new section was adopted —

Mr George submitted the following Substitute for new section 9 reported by the Committee of the whole —
The Common law of England applicable to our condition and circumstances and not repugnant to or inconsistant with the Constitution of the United States or Constitution or laws of this State, Shall be in full force and the rule of decision in all Courts in this State, but in the event of laws being passed conferring rights or imposing obligations growing out of or founded upon principles of the Civil and not the common law, then the rules of the Civil law may be resorted to for the purpose of interpretation and decision. On this substitute the ayes and noes were called with the following result —

Ayes — Messrs: Andrews, Bradshaw, Dennison, Eldridge, George, Hannah, Larrabee, Lacy, O'Dell, Steward, Wait and Mr President — 12

Noes — Mr Gilmore — 1
Absent — Messrs: Emery and Henry — 2
So the [illegible]

Mr Larrabee moved the adoption of the following new section.

After the admission of the State into the Union no person, corporation company or association, civil or ecclsiastical, except railroads or canal corporations or companies, and then only for the necessary operation of their roads or canals and except as otherwise provided in this constitution, shall thereafter acquire and own in fee simple, by purchase, conveyance, gift, devise or by or through any other means more than six hundred and forty acres of land, or a section of land according to the surveyst of the United States from any person, corporation, association, or from any other source except by gift or purchase directly from the United States; and every conveyance, gift, devise, grant or other means of giving title to any person corporation company or association, shall be void as to any excess over and above such limitation. This section however is not in any manner to impair any bona fide contract made and entered into before such admission, or to affect in any way the enforcement of judgments, decrees, liens, forfeitures, grants, gifts, devises, descents or defaults theretofore existing.

On this motion the ayes and noes were called with the following result —

Ayes — Messrs: Andrews, Eldridge, Gilmore, Larrabee and Nait — 5

Noes — Messrs: Bradshaw, Dennison, George, Hannah, Lacy, O'Dell

[illegible] Mr. [illegible] — 8

Absent — Messrs: Emery and Henry - 2
So the Section was rejected.

Mr Hannah moved the adoption of the following new section.

The proceeds of all Swamp and overflowed lands to which this State may be entitled by the provisions of an act of Congress entitled "An act to enable the State of Arkansas and other States to reclaim the Swamp lands within their limits approved September 28th 1850. Shall be set apart as a Separate fund to be called a public building fund which shall be applied to the construction of an Insane Asylum, State House, and Penitentiary; the residue if any to be applied to the support of said Asylum. On this motion the ayes and noes were called with the following result —

Ayes — Messrs: Bradshaw, Gilmore, and Hannah — 3.

Noes — Messrs: Andrews, Dennison, Eldridge, George, Larrabee, Lacy, Steward, Wait & Mr President — 9

Absent — Messrs. Emery, Henry & O'Dell - 3
So the proposed new section was rejected

On motion of Mr Larrabee the article was ordered engrossed for a third reading —

On motion of Mr Andrews the article entitled "Separate Articles"

was called for and the question first being, shall Separate Article No 1 pass — the ayes and noes were called with the following result.

Ayes — Messrs; Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Hannah, Larrabee, Lacy, Steward, Wait and Mr President — 12.

Noes — Mr O'Dell — 1

Absent — Messrs; Emery and Henry — 2
So the article passed —

The question being shall Separate Article No 2 pass the ayes and noes were called with the following result —

Ayes — Messrs; Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Hannah, Larrabee, Lacy, Steward, Wait and Mr President — 12

Noes — Mr O'Dell — 1

Absent — Messrs; Emery & Henry — 2
So the article passed.

The question being shall Separate Article No 3 pass, the ayes and noes were called with the following result —

Ayes — Messrs; Bradshaw, Dennison, Eldridge, Gilmore, O'Dell, Steward, Wait and Mr President — 8

Noes — Messrs; Andrews, George, Hannah, Larrabee and Lacy — 5

Absent — Messrs; Emery & Henry — 2
So the article passed —

The question being upon the adoption of the introduction and conclusion [illegible] to-wit:

At the time of the submission of this Constitution to the electors for their adoption or rejection; there shall be submitted as separate articles the following;—

Conclusion In case a majority of all the votes for and against any separate article shall be in favor of such articles, the same shall become a part of the Constitution and shall be added to the Declaration of Rights—

The ayes and noes were called called with the following result—

Ayes— Messrs; Andrews, Bradshaw, Dennison, Eldridge, Gilmore George, Hannah, Larabee, Lacy O'Dell, Steward Wait and Mr President — 13

Absent— Messrs; Emery & Henry — 2

So the introduction and conclusion were adopted —

On motion of Mr Andrews the Convention adjourned —

Thirty Seventh Day
Wednesday July 24, 1878.

The Convention met at 9 oclock A.M.
Mr President in the Chair.
Roll called and absentees noted as follows — Messrs: Emery & Henry absent on leave —
Mr President called Mr Eldridge to the chair.
Journal of yesterday read corrected and approved.

Mr Dennison from committee No 1 reported the following:

Resolved: That the Congress of the United States be and is hereby requested, upon the application of Washington for admission into the Union, to grant to the State other lands in lieu of the tide and school lands within the boundaries of the State which may have been, or may be hereafter sold by the United States: and to extend to the State the benefits of the act of Congress, passed September 28th 1850 in relation to swamp and overflowed lands and to grant other lands as in the cases of States heretofore admitted for a university for public buildings and for general purposes, and to confirm the disposition made by the Constitution of this State, of the five per centum of the sales of the public lands of the United States, and of the Five hundred Thousand acres of land to which the State will become entitled by virtue of the laws of Congress upon its admiss-

Resolved: That Congress be requested to restrict the sales of the lands of the United States in this state to actual settlers in limited quantities, and to provide that persons who have purchased lands within railroad grants which have lapsed or have been abandoned, may enter additional land for the excess paid over $1.25 per acre, and that homestead and pre-emption settlers shall be allowed the benefit of the minimum price, and further that in the selection of the Five hundred Thousand acres of land, the state may be allowed to select the same in tracts of not less than 40 acres, instead of 320 acres as is now provided by law.

We the undersigned members of the convention to form a constitution for the State of Washington, which is to be submitted to the people for their adoption or rejection, do hereby declare this to be the constitution formed by us and in testimony thereof do hereunto set our hands this, ect ect.

Mr Larrabee from Committee on Revision submitted the following

Report

Mr President:

Your committee on Revision respectfully report the following amendments to the article entitled Corporations.

Sec. 1. "Corporators" instead of "Corporation"

Sec. 2. Strike out the words "to the Corporati

Section 8. Strike out the words "of any company or person".

Chas. H. Larrabee
Chairman

Mr Larrabee moved that the Convention adjourn sine die on Saturday July 27. carried—

On motion of Mr Larrabee the articles entitled respectively "Ordinance and Resolutions" were taken up read the first and second times and the Convention resolved into Committee of the whole thereon— Mr Larrabee in the chair

After being in session for a time, on motion of Mr Lacy, the committee rose— Mr President resumed the chair and the chairman of the Committee (Mr Larrabee) submitted the following

Report

Mr President;

The committee of the whole to whom was referred the articles respectively entitled "Resolutions" and "Ordinance" have considered the same and recommend the adoption of the following amendments:—

Resolutions

Insert in the fifth line of the 1st Resolution before the word "which" the words "within the boundaries of the State"

Ordinance

Strike out the word "proposed" in the 4th line.

Strike out of the 4th line in the third subdivision the word

"Representatives" and insert Delegates
Strike out of the 12th line the words
"citizens of the United States" and
insert "persons"

Respectfully Submitted
(Signed) Chas H. Larrabee
Chairman Comee

On motion of Mr Bradshaw the report was received and the committee discharged from further consideration of the articles.

On motion of Mr Bradshaw the amendments recommended by the committee to the Resolutions were adopted.

On motion of Mr Steward the amendments recommended by the Committee to the Ordinance were adopted.

On motion of Mr O'Dell the Ordinance was considered engrossed and read third time.

Mr Larrabee moved to strike out of the first subdivision the words "the people inhabiting said territory" —
there being no objection the amendment was unanimously adopted and the words were struck out.

The question being shall the Ordinance pass the ayes and noes were called with the following result:

Ayes: Messrs: Andrews, Bradshaw, Dennison Eldridge, Gilmore George Hannah Larrabee, Lacy, O'Dell Steward, and Wait — 12

Noes — None —

Absent – Messrs: Emery, Henry and Mr President — 3
So the ordinance passed —

On motion of Mr O'Dell the Resolutions were considered engrossed and read third time and the question being shall the Resolutions pass the ayes and noes were called with the following result –

Ayes – Messrs: Andrews, Bradshaw, Dennison, Eldridge, Gilmore, George, Hannah, Larrabee, Lacy, O'Dell, Steward and Wait — 12

Noes — None —

Absent – Messrs: Emery, Henry and Mr President — 3
So the article passed —

On motion of Mr Steward the rules were suspended and he was permitted to submit the following report –

Mr President:

your committee on engrossed articles would report the article entitled "Miscellaneous" correctly engrossed

Respectfully Submitted
S. H. Steward

On motion the article intitled

Miscellaneous

was read third time and the question being shall the same pass the ayes and noes were called with the following result:–

Ayes – Messrs: Andrews, Bradshaw,
[illegible]

Hannah, Larrabee, Lacy, O'Dell, Steward and Wait — 12

Noes — None —

Absent — Messrs: Emery, Henry and Mr President — 3
So the article passed.

Mr Lacy from Committee on Contingent Expenses submitted the following Report

Mr President:
The Committee on contingent expenses have had under consideration a bill for rent of Science Hall for use of the Constitutional Convention, and recommend the payment of the same
O.P. Lacy
Chairman

The bill is as follows;

Walla Walla W. T.
July 23. 1878

The Territory of Washington
to
The Science Association Dr.
To use of Science Hall during the sitting of the Constitutional Convention
$125.00

On motion of Mr Gilmore the amount was allowed and the President authorized to issue his Certificate therefor.

Mr Wait asked leave of absence until Saturday morning at 9 o'clock

On motion of Mr Lacy leave was granted
On motion of Mr O'Dell the Convention adjourned.

Thirty Eighth Day

Thursday July 25, 1878

The convention met at 9 oclock A.M. Mr President in the chair. Roll called. Absent — Messrs. Emery, Henry and Wait on leave. Journal of yesterday read and approved.

The President presented an invitation from the Oregon Steam Navigation Company to the members of the Convention and their wives to take a trip to Lewiston on the companies Steamers.

On motion of Mr Bradshaw the thanks of the Convention were tendered the Company for the invitation.

The President also presented an invitation from Jacob P. Miller Proprietor of the Walla Walla and Colfax Stage Company to the President and Members of the Convention to visit Dayton and tendering a free pass on the Stage line.

On motion of Mr George the thanks of the Convention were tendered Mr Miller for his generous invitation.

Mr Lacy from Committee on Contingent Expenses submitted the following

Report

Mr President:

The committee on Expenses have had under consideration the account of E. L. Heriff for stationery in the sum of

[illegible]

for one days service as Engrossing Clerk in the sum of $4.00 and the committee recommend the payment of the same.

The committee have also had under consideration the following accounts of travelling expenses of the members of the Convention to wit:

B. F. Dennison	$62.00
J. M. Wait	6.00
C. H. Larrabee	15.50
Edward Eldridge	76.00
H. S. Abernethy	34.50
S. M. Gilmore	10.50
D. B. Hannah	62.00
J. H. Steward	13.00
C. M. Bradshaw	42.50
L. B. Andrews	34.00

and the committee recommend the payment of the same.

O. P. Lacy
Chairman

On motion of Mr O'Dell the report was adopted and the President authorized to issue certificates for the several amounts.

Mr Larrabee from committee on Revision submitted the following

Report

Mr President:

Your committee on Revision report the following amendments to the "Schedule"

Sec. 1. Strike out "Permanent"

Sec. 14. Insert the words - "the Legislature" after the word "thereafter"

Sec. 21. Insert "the tenth" instead of "one"

Also in the article entitled "Education" the following:

Section 6. Strike out "of the state" in 3d l.

Sec. 3. Strike out "of the state" in 4th line
Sec. 4. In 4th line insert "and" before "all moneys" also "and" before "the clear" also in 8th line "Sales or other disposition of the"
In 15th line strike out "from time to time"
Sec. 6. In 3rd line strike out therein
Sec. 9. In 3rd line strike out "heretofore or to be hereafter granted to the State by the United States" and insert "belonging to the State"
Section 10. In 3rd line "strike out" by competent officers appointed by law"

Chas. H. Larrabee
Chairman

There being no objection to the amendments recommended by the Committee to the Schedule the same were unanimously adopted.

The question being upon the adoption of the amendments to Sections 2, 3, 4, 6 and 9 of the article on Education the same were unanimously adopted—

The question being upon the adoption of the amendment to section 10 the same was adopted.

Mr Leland moved to amend Section 21 of the Schedule by inserting after the word Representatives in the 12th line of the 3rd clause the following—
"The County of Nez Perce one
"The counties of Nez Perce and Shoshone one" and the County of Idaho one"
The amendment was unanimously adopted— There being no objection

Consider the article entitled

Miscellaneous

Mr Eldridge submitted the following new section:—

"The county commissioners, Superintendents of Common Schools, and the County Treasurer of each county shall constitute a board of appraisers who shall appraise all lands within their respective counties belonging to the State except tide lands, under such regulations as may be prescribed by law before they can be sold."

There being no objection the new section was unanimously adopted.

Mr Larrabee submitted the following new section:—

"The legislature may declare the cases in which any office shall be deemed vacant and also the manner of filling the vacancy where no provision is made for that purpose in this constitution."

There being no objection the same was unanimously adopted."

The President called Mr Eldridge to the chair

By leave of the convention Mr Larrabee withdrew his resolution relative to the appointment of a Committee to prepare an address to be submitted to the people with the Constitution.

On motion of Mr Leland the Convention proceeded to consider the resolution relative to printing 5000 copies of the Constitution,

Mr George moved the adoption of the following substitute—
Resolved that the sum of three hundred dollars be and the same is hereby appropriated to be expended by, or under the direction of ________
in the publication and distribution of the Constitution.

On motion of Mr Bradshaw the blank was filled by inserting the words "The President of the Convention."

On motion of Mr Larrabee the words "and twenty five" were inserted after the word "hundred"
The substitute as amended was adopted.

On motion of Mr Andrews the Convention took a recess until 2 oclock P. M.

Afternoon Session

The convention reassembled at two oclock P.M.
Mr Larrabee from Committee on Revision submitted the following

Report

Mr President;
Your committee on Revision report the following amendments to article entitled Miscellaneous.
Sec. 3. Strike out "approbation" and insert "approved"
Sec. 14. "or the Constitution" after "United States" in 3rd line
There being no objection the amendments were unanimously adopted.

adjourned.

Thirty Ninth Day

Friday July 26, 1878

The convention met at 9 o'clock A.M.
Mr President in the chair.
Roll called, members all present except those absent on leave.
Prayer by Rev. Mr Boyd.
Journal of yesterday read and approved.

Mr Lacy from the committee Contingent Expenses submitted the following Report

Mr President:

The committee on expense have had under consideration the account of W. H. Newell for newspapers in the sum of $122.00 and report the same to the convention without recommendation.

The committee would state that under date of June 22nd, the above account charges for 400 copies, while the Sargeant at arms on the authority of Mr Sharpstein, the messenger of the Convention, states that there were obtained at that date the number of 285 copies only.

The Committee further state that the account charges 8 cents per copy while the "Union" and "Teller" were furnished for 5 cents per copy and it was generally understood that the Statesman was to be furnished at the same price.

The committee would further state that 5 cents per copy for the number of 28

would amount to $71.00

O. P. Lacy
Chairman

Mr Lacy also submitted the following

Report

Mr President:

The committee on expense have had under consideration the following bills to wit—

W. Byron Daniels	for	$102.00
John W. Norris	"	51.00
H. D. Cock	"	85.00
W. S. Clark	"	188.00
E. L. Herriff	"	8.88
A. Leland & Son	"	46.25

and the committee hereby report the same to the Convention with a recommendation that the accounts be paid

O. P. Lacy
Chairman

On motion of Mr Eldridge the latter of the two reports was adopted and the President authorized to issue certificates for the several amounts.

In order to test the sense of the Convention Mr O'Dell moved that the bill of W. H. Newell be paid.

Mr Steward moved to refer the bill to the Committee on Contingent expenses with instructions to collate the facts relative thereto and report to the Convention, lost.

Mr Bradshaw moved that a special committee of three be appointed to find the facts relative to the matter and report to the Convention— carried— Whereupon the President appointed as such committee Messrs: [illegible] Clay and O'Dell.

Mr Larrabee from Committee on Revision submitted the following

Report

Mr President;

Your committee on Revision report the following amendments to the Resolutions

Strike out "other" in 3rd line 2nd Resolution, 6th line insert before the word minimum the words "benefit of the"

Your committee also report back without amendment the "Ordinance" and the "Separate Articles"

Chas H. Larrabee
Chm

There being no objection the amendments were unanimously adopted

Mr Larrabee moved to insert in the Miscellaneous Article the following new section;

"The Legislature shall have power to fix the time for the election of all officers when no provision is made for such election in this Constitution"

There being no objection the section was unanimously adopted whereupon Mr Larrabee from Committee on Revision reported the new section without amendment

On motion of Mr Lacy the Convention took a recess until 2 oclock P.M.

Afternoon Session

The Convention reassembled at two oclock P.M.

Mr George chairman of the special committee appointed to inquire into the matter of W. H. Nobell's bill for [illegible] [illegible] [illegible]

to the convention submitted the following Report

Mr President!

Your special Committee to whom was referred the bill of Wm. H. Newell editor and proprietor of the Walla Walla Statesman for furnishing the Convention with 1525 copies of the Statesman at eight cents per copy making in all the sum of $122.00 with instructions to enquire into and report the facts in relation to said charge, would respectfully report that they have duly enquired into and considered the matter, and find the following facts;

1st. That the committee on printing soon after the organization of the convention in pursuance of instructions entered into a contract with the "Walla Walla Statesman" "Walla Walla Union" and Lewiston Teller" respectively, whereby the proprietors of said papers were each to furnish to the Convention such numbers of said papers as might be desired at five cents per copy and that said "Union" and Teller have furnished the same at said price accordingly

2nd. That when the above arrangement was made the business of the Statesman Office was being conducted by his agent Charles Newell and that said price was so agreed upon by him as such agent in regard to which said Wm. H. Newell was probably not informed; that said

the city.

3rd. That the usual price charged by said papers including the Statesman to newspaper dealers is five cents per copy.

4th. Your committee further find that five cents per copy of the Statesman is a just fair and reasonable compensation considering the number of copies taken by the Convention.

Your committee therefore respectfully recommend that said Wm. H. Newell be allowed five cents per copy of said paper in lieu of eight cents, amounting to the sum of $76.25, instead of $122.00 and that said sum of $76.25 be paid.

(Signed) W. A. George
O. P. Lacy
J. V. O'Dell
Committee

On motion of Mr Eldridge the report was unanimously adopted and the President authorized to issue a certificate for the amount recommended by the Committee.

Mr Lacy from Committee on Contingent Expenses submitted the following Report.

Mr President:

The Committee on Expense have had under consideration the account of R. M. Smith & Co. for the printing done for the convention the aggregate amounts of which are $465.00 and the committee are of the opinion that the amounts charged are according to contract and therefore recommend

the [illegible]

The committee have also had under consideration the account for papers by the same company "the Unions" furnished in the sum of $100.50 and recommend the payment there for.

The committee also have considered and recommend the payment of Arthur P. Sharpstein messenger in the sum of $108.00

O. P. Lacy
Chairman

On motion of Mr Steward the report was adopted and the President authorized to issue a certificate for the amount

On motion of Mr Lacy the convention adjourned—

Fortieth Day

Saturday July 27, 1878

The convention met at 9 o'clock A.M.
Mr President in the chair
Roll called and absentees noted as follows:– Messrs Emery and Henry absent on leave–
Prayer by Rev. Mr Boyd–
Journal of yesterday read and approved.
Mr Andrews from committee on Contingent Expenses submitted the following

Report

Mr President:

The committee on Expense have had under consideration the bill of H. D. Chapman for enrolling the Constitution on parchment. The committee find the sum of $54.81 due for said work and recommend the payment of the same

O. P. Lacy
Chairman

On motion of Mr Gilmore the report was adopted and the President was authorized to issue his certificate for the amount.

Mr Andrews submitted the following

Resolutions

Resolved:

That the President of the Convention Hon A. S. Abernethy be allowed ten days time at the rate of five dollars per day for his services in travelling from Walla Walla to Olympia for the purpose of delivering the Constitution. The Journal &c.

and the transaction of all other necessary business, connected therewith and travel from there to his home in Cowlitz County.

On motion of Mr Steward the Resolution was adopted.

On motion of Mr Larrabee the Constitution as enrolled on parchment was taken up for final reading and revision. During such reading the following amendments to the enrolled Constitution were unanimously adopted to-wit:

At the beginning of the 5th line of the Preamble strike out the word "of" and insert the word "for"

In the first section of the article on Eminent Domain page 3 strike out the following words — "The Columbia River and the navigable waters of the State shall be common highways and forever free, as well to the inhabitants of the State as to the citizens of the United States without any tax, duty or impost therefor"

In the 3rd line of section 3 page 15 strike out the word "such" and insert "each"

Insert in the first line of Section 10 on page 19 after the word "have" the word "power" —

In the 5th line of section 17 page 23, strike out the word "of" before "others" and insert "or"

In the first line of Section 22 ... insert after the word

"legislature" the word "shall"

At the end of the second line in section 5, page 31 insert the word "restrictions"

In the 7th Section page 31, after the word "objections" 3rd line insert the following - "to the house in which it originated, which house shall enter the objections

On the 14th line of Section 4. page 37. between the words "be same" insert "the"

At the beginning of the 9th line of Section 9 page 41, insert the word "inferior" —

After the word "writs" in the first line of Section 17, on page 43 insert the words "and process"

After the words "Secretary of State" in the 2nd line of Section 9 page 49 insert the word "Treasurer"

change "of" to "or" before the word "Assembly" in the 4th line of Section 1, page 51

After the word "moneys" in the 5th line of Section 4, page 55 insert "and"

Before the word woman in the 2nd of Section 11. page 81 insert "to"

In the sixth line of Section 1 after the word "issued" page 87 insert "under" In the 1st line of Section 2, page 87, change the third word "not" to "now"

After the word Sheriff in the 7th line of Section 17, page 99 insert the word "Treasurer"

After the word "Constitution" in the second line of page 103, insert the word "and"

After the words "number three" in the 10th line of page 103 insert "the"

On motion of Mr George the following resolution was unanimously adopted —

Resolved: That the thanks of this Convention be and the same are hereby tendered to the Honorable H. S. Abernethy, for the able and impartial manner in which he has presided over its deliberations

On motion of Mr Dell the following resolution was adopted

Resolved:

That the thanks of this convention be and they are hereby tendered to W. Byron Daniels Secretary Wm. S. Clark Journal Clerk. H. D. Cock Sergeant at arms and H. P. Sharpstein and John W. Norris for the faithful and attentive discharge of their duties during the session of this Convention

On motion of Mr Larrabee the following resolution was unanimously adopted

Resolved: That the thanks of this Convention be tendered to the several clergymen who have attended upon the sessions of the convention.

The Secretary in behalf of the officers of the Convention presented the President with a silver mounted gavel as a slight testimonial of their regard and desire to be kindly remembered

The Enrolled Constitution was then opened and signed by the President, Secretary and members of the Convention after which on motion of Mr Steward the Convention

[illegible]

Attest W. Byron Daniels
Secretary

Territory of Washington
Secretary's Office.
Olympia,

Filed in the Office of the Secretary of the Territory of Washington this 3d day of August A.D. 1878

W H Gurney [signature]
Secretary.